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ABSTRACT

This handbook is intended to serve as a guide for governing the operation and management of the Volunteer Management Support Program (VMSP). Outlined in the section on program guidelines are the structure and operations of the VMSP. The remainder of the guide, which deals with volunteer guidelines, explains VMSP volunteer responsibilities, recruitment, and orientation; service benefits (financial, health and insurance, vacation and leave, career development and training, and civil service benefits); service rights and protections, service prohibitions and restrictions; and volunteer-related administrative policies (general administration, financial support, volunteer status changes, taxes and transportation policies). Appendixes to the handbook include 15 forms needed to administer the VMSP. (MN)

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Volunteer Management Support Program Handbook

A Demonstration Program
Co-Sponsored by
ACTION, The National Volunteer Agency,
And Commerce Department's
Minority Business Development Agency

August 1984

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VOLUNTEER MANAGEMENT SUPPORT PROGRAM

Clarifications and Additions to the
Volunteer Management Support Program Handbook

I. ADDITIONAL VOLUNTEER FINANCIAL SUPPORT BENEFIT Pages 15 and 40-41

ACTION and MBDA have agreed to provide VMSP Volunteers with the monthly stipend of $75 as currently provided to ACTION's VISTA Volunteers. This stipend is intended as a readjustment allowance to offset expenses after expiration of the Volunteer's term of service. The procedures governing that provision are as follows:

° Upon being sworn-in as a VMSP Volunteer, a monthly stipend of $75 begins to accrue to the VMSP Volunteer's account. The total amount accrued to date will be reflected on the Volunteer's regular earnings statement.

° Because this stipend is intended as a readjustment allowance, it is not normally paid until termination; however, under certain one-time, non-routine circumstances a withdrawal may be approved by the Director of the Volunteer Management Support Program. Examples of such circumstances are -

(1) Payment of unusual family or other emergency expenses, and

(2) Dental or medical care not covered by ACTION health benefits.

In no case will a withdrawal be approved which will lower the Volunteer's accrued stipend balance below $300.

A request for withdrawal from stipend must be made in writing to the ACTION/VMSP Director, stating the reason that it is needed. In emergency situations, however, the initial request and approval may be verbal, to be confirmed later in writing. Requests should be forwarded to -

ACTION/VMSP Director
806 Connecticut Ave., N.W.
Room 1003
Washington, D.C. 20525

° In the next-to-last regular pay check prior to scheduled termination date, the Volunteer will be paid $300 of the accrued stipend. However, if the Volunteer has already been paid a part of the accrued stipend, and the $300 payment would leave a stipend balance less than $300, the Volunteer will receive, prior to termination, only the difference between $300 and the amount of the accrued stipend.

The balance of the accrued stipend will be paid approximately four to six weeks after termination if service is completed as scheduled and termination documents are submitted on a timely basis. If the Volunteer terminates early, the stipend payment may be delayed

beyond four weeks because of the necessity to audit the Volunteer's account for possible overpayments.

- Federal income tax and Social Security (FICA) deductions are withheld from the stipend at the time of payment. As with the other VMSP Volunteer allowances, the stipend is subject to State tax and it is the Volunteer's responsibility to determine and conform to State tax laws by contacting the State tax office.

II. CLARIFICATION OF SPECIALIZED TRAINING Page 24

Limited funds will be made available to support those specialized training needs identified and agreed to by the Volunteers, their VMSP supervisor and the VMSP National Office which cannot be met with existing local resources.

The VMSP/MBDCs, utilizing the Technical Assistance/Training Request Form provided by the ACTION/VMSP National Office, will identify local service providers for this training, the estimated cost of the training, Volunteers to be included in the training, and a justification of the value of the training requested. These forms, together with background information on the qualifications and experience of the providers, will be submitted to the ACTION/VMSP National Office which, after a final review, will submit them for processing to the ACTION Contracts Division.

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Overview

"The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy."

Executive Order 11625, 1971
Creating the Department of Commerce's
Minority Business Development Agency

"The purpose of this part is to strengthen and supplement efforts to meet a broad range of human, social, and environmental needs, particularly those related to poverty, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may help to meet such needs."

ACTION's Title I, Part C Authorization
Domestic Volunteer Service Act 1973, as amended.

The demonstration Minority Business Development Volunteer Management Support Program (VMSP) is based on a recognition by Department of Commerce's Minority Business Development Agency (MBDA) and ACTION of both an interrelationship of missions -

- Both agencies' programming has been aimed directly at socially or economically disadvantaged individuals or communities, and

- Both agencies' programming has been aimed at eliminating barriers, whether social or economic, to individual and community self-reliance and development.

and the potential positive impact of a program which draws upon the cumulative experiences and diverse strengths of these two agencies -

- MBDA's decade of experience in fostering minority business development and growth, and

- ACTION's decade of experience in fostering, through the use of full-time and part-time volunteers, community self-help efforts.

The overall goal of the VMSP is to demonstrate the capacity of full-time Allowanced ACTION Title I, Part C Volunteers to effectively assist MBDA's non-profit Minority Business Development Centers in their efforts to promote and expand minority business development and the capacity of the participating MBDCs to effectively utilize and supervise volunteers.

Specific VMSP objectives are to:

1. Identify means whereby volunteer citizen participation can facilitate the achievement of the minority business development goals of the MBDC program.

2. Assure a high quality of VMSP Volunteers by establishment of a comprehensive recruitment and selection process, including development of site-specific Volunteer workplans and position descriptions.

3. Assure the optimal performance of the VMSP Volunteers through implementation of an effective Volunteer orientation and support system.

4. Assure positive integration of VMSP workplan activities with ongoing MBDC program efforts.

5. Increase the effectiveness of the VMSP Volunteers by assisting the participating MBDCs in identification of technical assistance and training needs of their VMSP Volunteers and strategies for identifying local resources to meet these needs.

6. Provide on-going management review and assistance to VSMP Volunteers to assure maintenance of high quality of performance.

7. Increase the MBDCs' ability to effectively utilize local volunteer resources through experience gained in volunteer recruitment and use and identification of the most effective of these recruitment techniques and uses for incorporation into a "how to and administrative management" manual.

This handbook will serve as the guide for governing the operation and management of the Volunteer Management Support Program (VMSP).

Structure and Operations

The VMSP is governed by an interagency agreement between the Department of Commerce's Minority Business Development Agency and ACTION, which provides for joint program policy and overall management responsibility. Utilizing ACTION's Title I, Part C Volunteer legislative authority, the two agencies through the VMSP will provide to MBDA-designated non-profit Minority Business Development Centers (MBDCs) up to three full-time allowanced Volunteers and necessary volunteer-related technical assistance and support services to assist the MBDCs in their efforts to promote and expand minority business development. The VMSP National Office will implement and manage the VMSP in close coordination with MBDA's Regional Offices, participating MBDCs, and appropriate ACTION Regional and State Offices.

A. VMSP National Office

The VMSP National Office represents both ACTION and MBDA which have shared policy and management oversight responsibility for the VMSP. Since the VMSP utilizes Volunteers authorized under ACTION's legislation, ACTION's VMSP staff has day-to-day management responsibility for the Volunteer component. Therefore, ACTION/VMSP National Office will be responsible for the following VMSP administrative activities:

1. VMSP Volunteer Workplan Development

   Based on an analysis of the designated MBDCs' contracted workplans and in consultation with each MBDC's management staff, will develop an overall site-specific 12-month Volunteer project workplan and individual Volunteer position descriptions.

2. Volunteer Support System

   The VMSP Volunteer Support System will include initial VMSP Volunteer processing i.e. approval/disapproval of MBDC's recommended Volunteer applicant for each position, conduct of a pre-service orientation and swearing-in ceremony, and enrollment; and the implementation and maintenance of Volunteer financial support, computer status tracking and health coverage.

3. Volunteer-Related Technical Assistance and Training

   Assist the participating MBDCs in identification of the VMSP Volunteers' technical assistance and training needs and strategies for identifying local resources to meet these needs.

4. Monitoring

The VMSP Projects will be periodically monitored through review of Quarterly Progress Reports which also reflect VMSP Volunteer activities and accomplishments, through a mid-program assessment conducted by VMSP monitors to determine compliance with approved workplans and identify areas requiring additional attention and through feedback from VMSP projects' Regional MBDA monitors.

5. Assessment and Evaluation

A mid-year program assessment will be made based on the findings of the on-site monitoring and assessment visits and review of Quarterly Project Progress Reports. A final report will be developed which assesses the operations and accomplishments of the VMSP. The VMSP National Office will cooperate and coordinate with MBDA and ACTION on evaluation efforts.

B. MBDA Regional Offices

The MBDA Regional Director or his/her designee will coordinate and cooperate with ACTION on this program effort and will provide assistance through the following:

1. VMSP Volunteer Workplan Development

Assist in the development of VMSP site-specific workplan and Volunteer position descriptions for each participating MBDC in their Region.

2. VMSP On-site Orientation Participation

Represent MBDA at the pre-service orientation and the swearing-in ceremony for VMSP Volunteers.

3. Promote VMSP Interface And Cooperation

Provide assistance as needed to assure the maintenance of a positive interface and a high level of cooperation between the VMSP and MBDCs and, where appropriate and feasible, conduct jointly with the ACTION staff a mid-program monitoring site visit.

4. Monitoring Feedback And Assistance

Based on review of quarterly reports submitted by the MBDC, both on the VMSP and contracted MBDC workplans and on

monitoring visits conducted, provide feedback to the VMSP National Office on performance of the VMSP project(s) in their Region.

C. ACTION Regional and State Offices

Appropriate ACTION Regional and State offices will provide assistance to the VMSP by being responsible for the following:

1. Securing Governors Approval For VMSP Volunteer Placement

   In line with the ACTION legislative requirement that prior to the assignment of full-time ACTION Volunteers to any project that a copy of the project's application or workplan must be submitted to that State's Governor for review and approval, the appropriate State or Regional office will seek such approval.

2. Volunteer On-site Assistance

   Provide assistance, upon request, to the designated MBDCs in identifying potential recruitment sources, designing recruitment strategies, and explaining proper completion of LRV (Locally-Recruited Volunteer) Applications.

3. VMSP On-site Orientation Participation

   Assist VMSP National Office staff in conducting pre-service orientation sessions for Volunteers and their MBDC supervisors regarding ACTION Volunteer guidelines, policies, and programs.

4. Ongoing VMSP Volunteer Resource

   Provide ongoing assistance in coordination with the VMSP National Office to VMSP Volunteers and their MBDC supervisors in such areas as medical pre-authorization and use of medical consultants, swearing-in and orientation of Volunteer replacements. Upon specific request from the VMSP National Office, provide assistance with unanticipated volunteer management issues or conduct special volunteer-related training.

D. VMSP Minority Business Development Centers

The VMSP Minority Business Development Centers will have responsibility for implementation and management of their VMSP project in compliance

with VMSP guidelines and policies. These responsibilities will include the following specific functions:

1. MBDC/VMSP Volunteer Workplan Development

   Work with VMSP National Office staff on the development of an overall site-specific 12-month Volunteer project workplan and individual Volunteer position descriptions which will focus on advocacy/promotion of both the local MBDC mission and the overall MBDA mission including international trade, the development of a part-time volunteer component, and research and information dissemination supportive of these activities.

2. Volunteer Recruitment and Selection

   Develop, with the assistance as needed of the appropriate ACTION Regional or State Office, a volunteer recruitment strategy; conduct volunteer recruitment and assure proper completion of ACTION Full-Time Volunteer Application forms; review applications and select applicants to be recommended to the VMSP National Office for each approved position; submit completed applications of recommended applicants to VMSP National Office for review and approval/ disapproval; and, upon notification from the VMSP National Office of approval, inform approved applicants of selection.

3. Supervision of VMSP Volunteers

   Each MBDC will be responsible for the selection and assignment of an overall supervisor for VMSP Volunteers. The supervisor will be responsible for -

   °Participating in initial orientation and training for VMSP Volunteers and Supervisors.

   °Conducting initial site-specific in-service orientation for VMSP Volunteers on their MBDC's goals and objectives, VMSP project workplan and each Volunteer's specific position description/work items, and developing career development plans with each low-income community Volunteer.

   °Identification, with VMSP National Office project monitor's assistance, of their VMSP Volunteers' technical assistance and training needs and strategies for identifying local resources to meet these needs.

   °Providing day-to-day supervision of each VMSP Volunteer's activities to assure that all workplan objectives will be met as planned and to assure compliance with VMSP guidelines and policies as they relate to their Volunteers' workplan activities and performance.

°Maintaining on file full documentation of their VMSP project's accomplishments, Volunteer time and attendance records, career development planning documents, technical assistance and training provided, and all other relevant correspondence and materials.

°Facilitating the effective provision of and compliance with VMSP National Office volunteer support services and procedures such as grievances and appeals, including notifying the National Office immediately of any change in Volunteer status, delays or non-receipt of allowances, Health coverage claims or problems, grievances, etc.

°Periodically meeting individually with each VMSP Volunteer to assess the Volunteer's performance and the Volunteer's contributions toward full achievement of workplan objectives and discuss any problem areas developing.

°Review quarterly VMSP Progress Reports with their Volunteers prior to submitting to ACTION and MBDA and seek their input.

4. Quarterly Reporting on VMSP Project Activities

Utilizing ACTION's Title 1, Part C Project Progress Report (ACTION Form A-1035) and attachments, MBDCs will report to the VMSP National Office and their MBDA project monitor on activities, accomplishments and problems in the operation of the MBDC's VMSP Project. One copy of this report will be attached to the MBDC's regular MBDA-required Quarterly Report and one copy will be submitted directly to the VMSP National Office. The address is:

VMSP/ACTION
806 Connecticut Avenue, N.W.
Room M-1003
Washington, D.C. 20525

These Reports will be due no later than 30 days after the end of the quarter.

VMSP Quarterly Reporting Periods	Report Due
Implementation - December 31, 1984	January 30, 1985
January 1 - March 31, 1985	April 30, 1985
April 1 - June 30, 1985	July 30, 1985
July 1 - Project End Date	October 30, 1985

5. Final Report on Cumulative VMSP Project Activities

The fourth quarter Project Progress Report will include a 12-month report of cumulative VMSP accomplishments against workplan objectives.

E. VMSP Volunteers

VMSP Volunteers, drawn from such sources as retired business persons, recent graduate or undergraduate business or accounting majors or students willing to take a one-year sabbatical, and interested community residents, will serve for 12-month terms of service.

1. Volunteer Functions

VMSP Volunteers will perform specific activities as detailed in their site-specific workplan and individual position description which will serve to advocate/promote both the local MBDC mission as well as the overall MBDA mission including the promotion of international trade, and research and information activities supportive of the advocacy/promotion effort. In addition, VMSP Volunteers will facilitate the creation and effective management of a strong part-time volunteer component to assist both with VMSP workplan activities and activities that complement and go beyond ongoing MBDC efforts.

2. Volunteer Benefits

In return for their 12-month Volunteer service commitment, full-time VMSP Volunteers receive certain benefits, including the following:

- Financial benefits - monthly subsistence allowance ($350-450 per month based on Regional cost of living determinations) and a $70 one-time vacation allowance.
- Free health benefit coverage and available low-cost life insurance.
- Service-related training and career development counseling.
- Service-related legal protection and support.
- Other benefits including civil service employment credit.

3. Service Restrictions

While VMSP Volunteers derive the above listed benefits from their VMSP service, they are also bound by certain service-

related restrictions as a result of such service. A listing of Volunteer service prohibitions and restrictions is found on pages 33 through 38.

4. Volunteer Service Responsibilities

VMSP Volunteers have certain service-related responsibilities, including the following:

°Read the VMSP Guideline Manual and Health Benefits Handbook prior to pre-service orientation.

°Participate in the pre-service orientation sessions and, after being officially sworn-in, in in-service training.

°Fulfill the full-time service commitment to their project (normally averages 40 hours per week) verified by completed daily time and attendance sheets.

°Meet agreed-upon workplan and position description requirements.

°Maintain a daily log of activities and summarize and submit to VMSP supervisor weekly.

°Review Quarterly Project Progress Reports with VMSP supervisor prior to submission to ACTION and MBDA and provide possible input.

°Notify, well in advance, supervisor and VMSP National Office of non-receipt of allowance checks, anticipated health benefits claims, and any planned status changes such as change of address or marital status, resignation, requested leave (for example - non-emergency medical, jury duty, military), etc.

VMSP Volunteer

The Minority Business Development Volunteer Management Support Program (VMSP) provides individuals who are concerned about and realize the importance of minority business development and growth to their communities, the unique opportunity to seek participation within their communities in a special federally-supported volunteer program specifically aimed at promoting and facilitating such development and growth. Such individuals are recruited locally and may be recommended for selection to serve as allowanced Volunteers with those MBDA-funded Minority Business Development Centers (MBDCs) participating in this program.

As a volunteer adjunct to MBDA's comprehensive Minority Business Development Centers (MBDC) program, the Volunter Management Support Program will specifically focus its volunteer efforts on strategies for effective minority business advocacy, increased private sector participation in and support of local minority enterprise efforts, and the generation and dissemination of supportive research and information. In support of these strategies, VMSP Volunteers' service activities will depend on the actual site workplan for the MBDC operating in their area but will generally encompass-

Advocacy/Promotion

VMSP Volunteers will focus on advocacy/promotion activities which complement and go beyond the regular MBDC advocacy/promotion of its and the MBDA mission. Such advocacy/promotion activities may include -

- Organizing and coordinating conferences and workshops and making presentations which inform or provide information to minority business enterprises (MBEs) and the local community concerning the operations and available services provided by MBDA and its MBDCs;

- Preparing newsletters, articles, etc. to publicize the MBDA/MBDC program, MBE-related issues and activities, and the special achievements of local MBEs.

- Coordinating and facilitating the involvement of the private sector in support of MBE efforts, including the matching of private and public sector procurement opportunities with available MBE products and services.

Part-Time Volunteer Recruitment and Management

VMSP Volunteers will focus on the identification and recruitment of part-time community and corporate volunteers to assist both with VMSP workplan activities and ongoing MBDC activities.

Supportive Research and Information Dissemination

VMSP Volunteers will perform research and information activities, particularly in those areas supportive of their overall advocacy/ promotion objectives.

While the VMSP provides an opportunity for any individual interested in promoting and facilitating minority business development and growth in their local community to seek to serve either as an allowanced Volunteer or a part-time community volunteer, this volunteer program is likely to be especially appealing to retired business persons, current or recent undergraduate or graduate business and economics majors, and individuals whose civic concerns are primarily business-focussed.

A. Volunteer Recruitment & Selection Procedures

VMSP allowanced Volunteers will be recruited and selected in the following manner:

°Utilizing the assistance as needed of the appropriate ACTION Regional or State Offices, the VMSP's MBDCs will locally recruit potential VMSP allowanced Volunteers based on approved position descriptions/workplans.

°Potential allowanced Volunteers will complete the ACTION Locally-Recruited Volunteer (LRV) application forms.

°After reviewing the LRV applications for completeness and accuracy, MBDCs will submit the applications of individuals that they are recommending for VMSP service to the VMSP National Office for review and approval/disapproval.

°VMSP National Office will review LRV applications and notify MBDCs of approval/disapproval.

°Upon notification from the VMSP National Office of approval, the MBDC will inform the approved applicants of selection.

B. Volunteer Swearing-in and Orientations

Upon notification of selection, the VMSP Volunteers will be advised as to when to report for swearing-in and initial orientation sessions.

These sessions will consist of and be conducted as follows:

°The selected VMSP Volunteer candidates will be introduced to their designated supervisor, VMSP National Office representative, MBDA Regional representative, and ACTION Regional or State Official(s).

°VMSP Volunteers candidates and their supervisors will be provided with initial orientation sessions covering the VMSP concept, policies, guidelines and handbooks; an overview of the MBDA mission especially as it relates to the Minority Business Development Centers Program; and the VMSP Volunteer support system i.e. financial support mechanisms, health benefits and life insurance coverage.

°The selected Volunteer candidates will be sworn-in by either the VMSP National Office representative or ACTION Regional or State Office representative as VMSP Volunteers and will complete the swearing-in form, medical history and medical release forms, and the career planning information cover sheet, the life insurance and designation of beneficiary forms, and allowance-related forms which will be collected after the sessions. These forms will become a part of the individual Volunteer's file which will be maintained at the VMSP National Office in accordance with applicable Privacy Act regulations.

At the beginning of the VMSP Volunteer's service, the Volunteer's supervisor will conduct a site-specific in-service orientation for the VMSP Volunteer on the MBDC's goals and objectives, the VMSP project workplan and each Volunteer's specific position description/work items, and will work with those VMSP Volunteers who availed themselves of the opportunity to complete career development plans to develop such plans.

C. VMSP Enrollment Processing

The official enrollment process for the VMSP allowanced Volunteer is completed when the following actions occur:

°Enrollment of the Volunteer in the ACTION financial system which will provide timely payment of the Volunteer's allowance and determination of deductions such as taxes and life insurance coverage.

°Enrollment of the Volunteer in the ACTION Health Benefits Program and the provision of a health benefits identification card to the Volunteer.

°Placement of Volunteer service information into ACTION's Volunteer computer tracking system to maintain accurate records of status changes and crediting of Volunteer service.

VMSP Volunteer Service Benefits

In addition to the satisfaction of knowing that through their efforts greater opportunities have been made available for minority participation in the free enterprise system, individuals who become VMSP Volunteers derive certain special benefits. These special benefits are as follows:

A. Financial benefits

1. Subsistence Allowance

Sworn VMSP Volunteers are provided with a monthly subsistence allowance to cover the cost of food, housing, and other basic necessities during service. The amount of the subsistence allowance is identical to the amount which VISTA Volunteers receive within the ACTION geographical region in which the volunteer serves. For information on the means of payment, see Administrative Policy section.

2. Exclusion of Allowance From Calculation of Benefits Under Federal, State, and Local Assistance Programs

Section 404(g) of the Domestic Volunteer Service Act of 1973 as amended provides that any payments received under the Act shall not in any way eliminate or reduce the level of, or eligibility for assistance or services any Volunteers may be receiving under any government program unless the Director of ACTION determines that such payments exceed the applicable minimum wage. This section is designed to insure that persons and families of persons receiving benefits (assistance or services) under any Federal, State, or local governmental program prior to entering VMSP Volunteer service do not lose these benefits as a result of Volunteer service. For example, persons who are receiving welfare benefits prior to entering VMSP Volunteer service should not have their allowances counted to determine whether they are still eligible for welfare benefits for their dependents (unless they fall within the exceptions cited above).

Section 404(g) also applies to persons who are eligible for assistance or service while serving as Volunteers for reasons not related to their Volunteer service e.g., a VMSP Volunteer who turns 65 while serving as a Volunteer and becomes eligible

for social security benefits. VMSP income would not be counted in determining eligibility for, or the level of, social security benefits.

In all instances, the ultimate question of eligibility will have to be resolved by the agency responsible for administering the assistance program. Volunteer should always discuss individual circumstances with the appropriate agencies.

°Food Stamps - Regulations issued in June 1979 (7 CFR 273.9), by the Department of Agriculture, which administers the Food Stamp program, stipulate that those full-time Volunteers who were receiving food stamps prior to joining ACTION Volunteer service do not have their food stamp allotment reduced as a result of receiving Volunteer allowances. Any Volunteers not receiving food stamps prior to becoming a full-time VMSP Volunteer will have their allowances counted as income for purposes of determining their level of food stamp eligibility.

°Social Security Disability Benefits - As a result of a ruling issued by the Social Security Administration in September 1979, the Social Security Administration no longer evaluates either the allowances paid to or activities performed by full-time Volunteers in determining their continued eligibility for Social Security disability benefits. This means that persons who are receiving disability benefits before becoming a full-time VMSP Volunteer may continue to receive benefits during their volunteer service, regardless of the amount of allowances paid by the VMSP or the nature of the duties performed in the Volunteer assignment.

°Work Incentives Programs - Volunteers who are entitled to receive assistance or services under any governmental program (e.g. Aid to Dependent Children, Medicaid, etc.) prior to enrollment as a Volunteer shall not be denied such benefits because of the Volunteer's refusal or failure to register, seek, or accept employment or training during the period of Volunteer service. Low-income VMSP Volunteers are, thus, exempt from the requirements of the Work Incentive (WIN) or similar programs while in VMSP service. The Domestic Volunteer Service Act as amended, section 404(g)(2) specifically states:

> "Notwithstanding any other provision of law, a person enrolled for full-time service as a Volunteer under Title I of this Act who was otherwise entitled to receive assistance or services under any governmental program prior to Volunteer's enrollment shall not be denied such

assistance or service because of such Volunteer's failure or refusal to register for, seek, or accept employment or training during the period of such service."

3. Student Loans

The Higher Education Act of 1965, as amended, exempts ACTION Volunteers from repayment of National Defense Educational Act (NDEA) loans incurred prior to their ACTION Volunteer years for a period of service not to exceed three years.

If a Volunteer wishes to defer payment of an NDEA loan, he should obtain the necessary forms from the university from which the loan was obtained and, in order to obtain certification, send these forms, along with a written request, to:

ACTION/VMSP, Room M-1003
806 Connecticut Avenue, N.W.
Washington, D.C. 20525

Repayment of other college loans may also be deferred, but solely at the discretion of the lending institution. If the lender is willing to defer payment, the Volunteer should obtain the necessary forms from the lender and forward them to the above address for certification. If the lender has no required forms, a letter of certification of VMSP service can also be obtained from the ACTION/VMSP at the same address given above.

B. Health and Life Insurance Benefits

1. Comprehensive Health Benefits Coverage

VMSP Volunteers are provided with comprehensive health benefits which include health insurance and coverage for job-related injuries or illnesses, and are provided assistance by the VMSP National Office through the Volunteer Support Liaison. These benefits, related policies and procedures are explained in detail in the ACTION Full-Time Domestic Volunteer Health Benefits Program Handbook. A copy of the Health Benefits Handbook is given to every Volunteer at initial orientation and to every VMSP supervisor. The remainder of this section is merely an outline of the Health Benefits and should not be relied upon by the Volunteers in determining their coverage in specific situations. The only source of written detailed guidance to be used by the Volunteers is the Health Benefits Handbook.

(a) Coverage

Coverage begins automatically on the first day of VMSP service and applies only to the Volunteers and does not extend to their spouses and/or other dependents. Coverage ends on the date of termination as a VMSP Volunteer. Coverage under the Health Benefits program includes payment for most medical and surgical costs, hospitalization, prescription drugs, and certain dental, vision and maternity care. Treatment of a pre-existing condition, i.e., any medical condition which existed within the two-year period preceding the Volunteer's entry into VMSP is not covered under the ACTION Health Benefits Program. A detailed explanation of all coverage and exclusions is given in the Health Benefits Program handbook.

(b) Conversion Privilege

ACTION Health Benfits coverage ends at midnight on the day a Volunteer terminates. However, upon termination from service, a Volunteer may convert from the group coverage plan provided under the ACTION Full-Time Domestic Volunteer Health Benefits Program to a private health insurance program administered by the local Blue Cross and Blue Shield Plans. The Volunteer's option to convert to private insurance must be exercised within 30 days of the date of termination from service. A conversion application form must be completed by the Volunteer (see appendix) and sent to:

Group Hospitalization, Inc.
550 12th Street, S.W.
Washington, D.C. 20024.

Application forms may be obtained from the ACTION/VMSP National Office.

(c) VMSP Volunteer Support Liaison

The VMSP Volunteer Support Liaison located in the VMSP National Office has overall responsibility for the following health support services:

1. Issues Volunteer Blue Cross/Blue Shield indentification cards;

2. Collects baseline medical data on each Volunteer using the Report of Medical History Form, which is filled out by each Volunteer immediately following swearing-in. This form is used to determine the health status of the Volunteer at the time of his/her entry into VMSP service. The VMSP National

Office keeps all Reports of Medical History Forms in Volunteers' medical files during their service. Medical files are maintained in the VMSP National Office in accordance with all pertinent provisions of the Privacy Act;

3. Assists Volunteers in processing medical claims and Federal Employees Compensation Act (FECA) claims; and,

4. Coordinates activities with the Regional Volunteer Support Specialists (Regional Volunteer Services Coordinator) for use of Regional Medical Consultants.

(d) Regional Medical Consultants

Each ACTION Region has Medical, Psychiatric, and Dental consultants who advise the VMSP Volunteer Support Liaison and the Regional Volunteer Services Coordinators on specific medical, psychiatric, and dental problems concerning Volunteers. These consultants are medical professionals utilized by ACTION on a part-time basis to assist in the management of Volunteer health problems.

At times the Volunteers may be contacted directly and/or be requested to provide information to these consultants so that health problems affecting the Volunteer may be effectively resolved. All information provided to consultants, as well as to the VMSP Volunteer Support Liaison is treated confidentially and is not released without the Volunteer's consent.

(e) Notification and Pre-Authorization Procedures

In case of accident, illness, or need for hospitalization, the Volunteer must do the following:

1. Notify their VMSP supervisor who will be responsible for notifying the VMSP Volunteer Support Liaison immediately if the accident or illness is of a serious nature.

2. Notify the VMSP Volunteer Support Liaison of the need for any hospitalization and/or surgery before it occurs, except in cases of obvious emergency or acute illness. If hospitalization and/or surgery is planned, the Volunteer must inform the VMSP Volunteer Support Liaison why the hospitalization and/or surgery is needed and provide the name, address, and telephone number of the attending physician.

3. No medical claims relating to elective (non-emergency) hospitalization and/or surgery will be paid. If there is any question

concerning whether or not the care is elective, immediately contact the VMSP Volunteer Support Liaison who, in conjunction with the Regional Volunteer Services Coordinator and the Regional medical or psychiatric consultant, will determine if the treatment is elective or allowable. All such claims must be sent to the VMSP Volunteer Support Liaison for review, approval, and, if approved, submission for payment.

4. In general, ACTION will not authorize payment for pre-existing conditions, for cosmetic surgery unrelated to repair of accidental injury, for elective care, or for removal of nodules or polyps in Volunteers under the age of 30. In addition, bills for authorized procedures are still reviewed by Group Hospitalization, Inc., to ensure that all services provided to Volunteers are allowable, and that the charges are "usual, customary, and reasonable" in the area in which the services are provided.

(f) Medicare and Medicaid Coverage

Volunteers who are entitled to coverage by Medicare must first file their claims with Medicare. The balance of the allowable claim which is unpaid by Medicare will be paid by the ACTION Health Benefits Program. An Explanation of Benefits Form, issued by the Medicare Program, must accompany all claims submitted to the ACTION Health Benefits Program by Volunteers covered by Medicare.

The ACTION Health Benefits Program is considered the primary provider of benefits for Volunteers who are also covered by Medicaid or other similar state health benefit programs. Therefore, Volunteers who are eligible for coverage under such programs should send their claim to the VMSP Volunteer Support Liaison who will submit it through the ACTION Health Benefit Program. However, if the ACTION Health Benefits Program does not provide benefits for a particular medical service, Group Hospitalization, Inc. will send a letter to the Volunteer stating the reason for the rejection and will attach all relevant bills submitted by the Volunteer. The rejection letter should then be attached by the Volunteer to the claim when he/she files it with Medicaid or other appropriate state health benefits programs.

(g) Personal Health Insurance Coverage

Volunteers may continue their own private health insurance during their service as a full-time allowanced VMSP Volunteer. Older Volunteers, or Volunteers with pre-existing conditions, may wish to do this to ensure that they will have the type and amount of coverage they need when they leave Volunteer service. Volunteers

with dependents also may wish to continue private coverage since spouses and dependents are not covered under the ACTION Health Insurance Program. However, if a Volunteer decides to maintain his/her private insurance policy, ACTION insurance will ordinarily pay only for those benefits not paid by the Volunteer's private plan.

(h) Federal Employees' Compensation Act (FECA)

A full-time allowanced ACTION Volunteer is considered an employee of the Federal Government for purposes of coverage under the Federal Employees' Compensation Act (FECA) which is administered by the Office of Workers' Compensation Programs (OWCP) of the Department of Labor. This office is solely responsible for the adjudication of FECA claims.

FECA provides compensation benefits for a Volunteer's illness or injury if it is service-related, i.e., caused or aggravated by the performance of a Volunteer assignment. However, the Volunteer will not be covered by FECA if the injury or disability results from his/her own misconduct, intoxication, or willful intent to bring about the injury or death of himself/herself or another.

Benefits approved under FECA begin after termination from service and include payment for continuing medical care and compensation for wage loss and permanent impairment of certain members or functions of the body in the event of a service-related disability. The Act also contains provisions for payment of certain death benefits such as shipment of body, funeral and burial costs and survivor benefits if the Volunteer's death occurs during performance of official duties.

Please consult the ACTION Health Benefits Handbook for claims procedures and appeal procedures.

2. Life Insurance

VMSP Volunteers may purchase term life insurance under a group policy with the Northwestern National Life Insurance Company. Official enrollment in the group plan is voluntary, and is accomplished at the time of swearing-in. Those who do not wish to enroll in the group life insurance policy must complete a Waiver of Coverage form which is provided at the time of swearing-in. Those who do purchase the insurance must complete a Designation of Beneficiary form at the time of swearing-in.

Insurance coverage is $12,000 on all Volunteers who are at the time of their enrollment under the age of 60, $6,000 for those 60-69, and $3,000 for those 70 and over.

The cost of the insurance premium is deducted from the Volunteer's biweekly subsistence allowance. During 1984, for example, the cost biweekly was $1.43. Volunteers will be advised of any changes in premium rates.

Coverage begins at the time of swearing-in, but premium deductions do not begin until the first full pay period. The Volunteer will receive a Certificate of Coverage from the VMSP National Office at the time of enrollment in the insurance plan.

Volunteers may cancel their life insurance or waive further coverage at any time by informing the ACTION/VMSP National Office in writing. If the Volunteer waives coverage he/she cannot subsequently be covered during current service without undergoing a physical exam at his/her own expense and submitting a Group Evidence of Insurability form to the VMSP National Office. This form may be obtained from:

Northwestern National Life Insurance Company
Box 20-Group Dept.
Route No. 2686
Minneapolis, Minnesota 55472.

Acceptance of the Volunteer's application at that time is determined solely by the insurance company.

Life insurance coverage ends 31 days after the date on which the Volunteer's service terminates. The Volunteer may convert to an individual life insurance policy without a medical examination, if application for conversion is made within one month of termination. Forms for conversion and information about rates may be obtained from the ACTION/VMSP National Office.

C. Leave and Vacation Benefits

1. Vacation Leave and Leave Allowance

After a Volunteer completes six months of service, he/she is eligible for seven calendar days of leave, and a leave allowance of $70.00 minus taxes which is paid at the beginning of the seventh month of service. This leave is taken at a time agreed upon by the VMSP supervisor and the Volunteer. Normally, no leave is granted during the first four months, or during the last month of service. The leave allowance is not available to Volunteers wishing to take leave before they complete six months of service. During leave, all regular Volunteer support allowances are continued. Volunteers pay their own travel expenses during vacation leave.

2. Emergency Leave

The VMSP/MBDC will grant the Volunteer up to one week of emergency leave if a member of the Volunteer's immediate family (spouse, mother, father, brother, sister, child, or guardian) becomes critically ill or dies. Any additional time away from the project requires the approval of the ACTION/VMSP National Office and the allowance may be discontinued during this extended period. Emergency leave does not apply against the Volunteer's vacation leave.

If circumstances require the Volunteer to take emergency leave, he/she should notify his/her VMSP supervisor at once. The supervisor will, in turn, inform the ACTION/VMSP National Office.

3. Military Reserve Leave

A Volunteer will be granted military leave to attend weekly or monthly reserve training sessions, as well as two weeks active duty training. Such leave will not count against vacation leave. The Volunteer should notify the VMSP supervisor prior to taking military reserve leave and upon returning from such leave.

The VMSP supervisor will notify the ACTION/VMSP National Office of the exact dates during which a Volunteer is on military reserve leave and whether or not the Volunteer will be receiving military reserve duty pay. During any period of military reserve leave in which the Volunteer receives pay from the military, the VMSP subsistence allowance will be discontinued. The VMSP National Office will provide a Form V-14 giving these dates to the Volunteer Payroll Section to discontinue the subsistence allowance.

4. Jury Duty

Volunteers are subject to jury duty when called upon to do so and will be granted the necessary time away from project duties in order to serve on a jury. Volunteer allowances will be paid as usual during the period of jury duty. Time spent in jury duty is not counted as part of a Volunteer's vacation leave.

D. Career Development and Training

1. Career Development

The Domestic Volunteer Service Act of 1973, as amended, directs ACTION to provide career development assistance to low-income community Volunteers. They are, therefore, offered the opportunity to develop an individual career plan. The intent of this plan is to build upon

the experience and interest of Volunteers by offering them an opportunity to take advantage of available resources in their community during their period of service as a VMSP Volunteer.

The Career Planning Information Cover Sheet will be provided to the low-income community Volunteers for completion during the initial on-site orientation session. One copy of the completed Career Planning Information Cover Sheet will be given to the Volunteer applicant and one copy will be kept in the project's VMSP files. Each of these Volunteers and their supervisors will meet to complete Part I of the Career Development Plan within 30 days of service and will update that Plan no later than 120 days prior to the end of service. The VMSP supervisor will, in conjunction with the agreed-upon Plan, assist the Volunteer in identifying locally-available resources, such as the Private Industry Council, which will assist the Volunteer in meeting career development goals, and will provide career-development related counseling in such areas as resume preparation and interview techniques.

2. Specialized Training

Specialized training may be provided to the Volunteers which will not only improve their ability to perform their Volunteer service functions but will also increase their marketable skills. Such training would be based on an analysis of the Volunteer's workplan, background and abilities, and may be delivered on either a group or individual basis.

E. Civil Service Benefits

Volunteers enrolled for a period of service of at least <u>one year</u> are entitled to the following Federal Civil Service benefits:

1. VMSP service may be credited in connection with subsequent employment in the same manner as a like period of regular civilian employment by the Federal government. This credit will apply to the retirement system for civilian employees of any U.S. Government agency.

2. VMSP service will apply toward purposes of determining seniority, reduction-in-force and lay-off rights, leave entitlement, and other rights and privileges based upon length of service under laws administered by the Office of Personnel Management (formerly the Civil Service Commission) and other laws establishing terms and conditions of service of Federal civilian employees.

3. VMSP service, however, is not credited toward completion of any probationary or trial period or completion of any service requirement for a career appointment.

VMSP Volunteer Rights and Protections

The VMSP provides its Volunteers with a number of specific rights and protections, both individual and service-related. These rights and protections, which must be observed and implemented by ACTION, the VMSP, the participating MBDCs and Volunteers, are described below.

A. VMSP Volunteer Service Rights and Protections

The VMSP Volunteers are provided a number of individual rights and protections related to their volunteer service and various avenues for expressing any concerns or suggestions regarding the terms and conditions of VMSP service. The avenues include formal grievance procedures as well as opportunities to express their concerns at required periodic meetings with their VMSP supervisor, and the opportunity where feasible to express such concerns or suggestions directly with the VMSP National Office representative during regularly scheduled on-site monitoring visits or at other times if deemed serious and immediate. The views and concerns of VMSP Volunteers will also be incorporated into an assessment report developed by the VMSP National Office. In addition, VMSP Volunteers have the following specific service-related protections:

1. Civil Rights

Sponsoring organizations are obligated to comply with the Civil Rights Act of 1964 (P.L. 88-352) to assure that no person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the sponsoring organization receives Federal financial assistance either directly of indirectly from ACTION.

ACTION is prohibited from providing financial assistance to any organization unless the grant, contract, or agreement authorizing it specifically provides that no person with responsiblities for the operation of the organization will discriminate with respect to the program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation. ACTION regulations with respect to Civil Rights Act compliance are found in the Code of Federal Regulations, 45 C.F.R., Part 1203.

Section 417(a) of Public Law 93-113 provides that any program, project or activity to which Volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

2. Age Discrimination

The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination on the basis of age in programs or activities receiving Federal funds.

3. Discrimination Against the Handicapped

The Rehabilitation Act of 1973, Section 504 (29 U.S.C. 794) prohibits qualified handicapped persons from being denied the benefits of, or participation in, any federally-assisted program solely on the basis of the handicap. Sponsors are required to make every reasonable effort to assure equal access to facilities on the part of handicapped volunteers. Any special restrictions in terms of equal access should be noted by the MBDC on the VMSP Volunteer position description, individual workplans, and position announcements.

4. Discrimination Complaints

Section 417 (c) of the Domestic Volunteer Service Act was amended in 1979 to extend to applicants for enrollment and Volunteers serving under the Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.) the nondiscrimination policies and authorities set forth in Section 717 of the Civil Rights Act of 1964, Title V of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975.

Pursuant to this amendment, regulations were written establishing a procedure for the handling of allegations of discrimination based on race, color, national origin, religion, age, sex, handicap, or political affiliation which arise in connection with the enrollment or service of full-time Volunteers in ACTION. See Appendix for the complete text of the Complaint Procedure.

5. Removal or Suspension from Assigned Project

VMSP Volunteers are protected against unwarranted removal or suspension from service by administrative policies and procedures as described under Administrative Policies. These policies stipulate specific grounds for suspension, termination or transfer of a VMSP Volunteer as well as the Volunteer's appeal rights.

6. Grievances

During a Volunteer's service, a situation may arise which directly affects the Volunteer's work and which the Volunteer believes denies or infringes on a right or benefit, or violates regulations governing the terms and conditions of service.

Volunteers may present and obtain resolution of grievances either informally or formally. The Volunteer may first bring an informal grievance to the attention of the project sponsor and the ACTION/VMSP National Office in an attempt to resolve the problem. If the Volunteer is dissatisfied with the informal resolution, a formal complaint may be presented to the ACTION/VMSP National Office in line with the Volunteer Grievance Procedures which are described in the Appendix. These procedures should be read in their entirety before filing a grievance.

7. Evaluation

The performance of each VMSP Volunteer will be evaluated by his/her VMSP supervisor and reviewed with the Volunteer at least quarterly. A written performance evaluation will be completed one month prior to completion of the Volunteer's 12-month of service. An existing performance evaluation form may be utilized or a new form may be developed for this purpose. In all cases the Volunteer will be provided a copy of the proposed evaluation form as early after the beginning of service as practical and provided the opportunity to discuss the performance indicators. At the time the evaluation is completed, the Volunteer will be given the opportunity to review and comment upon the performance evaluation with the supervisor, and confirmation of the Volunteer's review as well as any substantive comments should be noted on the evaluation.

8. Disclosure and Garnishment Protection

(a) Disclosure And Use Of Volunteer Address & Telephone

It is the policy of the VMSP that the project site (MBDC) mailing addresses of volunteers are public knowledge, and should be disclosed freely. Volunteers' private, or personal addresses and telephone numbers will be used by the VMSP and the appropriate MBDC for internal administrative purposes. A Volunteer's private address and telephone number may only be disclosed by the VMSP or the appropriate MBDC with the express prior written permission of the Volunteer, except in those circumstances authorized by the ACTION agency regulations concerning the Privacy Act (45 CFR 1224). This non-disclosure policy is based on the fact that disclosure would constitute an unwarranted invasion of a Volunteer's privacy.

(b) Freedom of Information and Privacy

The Freedom of Information Act (5 U.S.C. 552) gives citizens the right, with a few basic exceptions, to inspect Federal records and

have access to information maintained by the Federal Government. ACTION Order 1620.4, Freedom of Information Act Regulations, dated November 3, 1975, explains the Act and ACTION's regulations implementing the Act.

The Privacy Act (5 U.S.C. 552a) gives citizens a proprietary right to their records and control over information maintained about them by the Federal Government. This applies to systems of records that contain personal data and where the individual record can be located by name, or assigned personal identifier. ACTION Handbook 1620.4, Implementation of the Privacy Act, dated August 20, 1979, explains the Act and ACTION's regulations implementing the Act.

(c) Commercial Creditors

The VMSP is not responsible for debts incurred by Volunteers to commercial creditors. The VMSP has no authority to act as an intermediary to collect private debts on behalf of a claimant, nor does the staff have the authority to direct Volunteers to take specific action concerning their financial affairs. The VMSP cannot judge the validity of a claim.

Volunteers are encouraged to pay all legal debts promptly to avoid creating a situation which would impair the Volunteers' ability to perform their duties. In case of continued financial irresponsibility by a Volunteer to the extent of embarrassment or adverse reflection upon the project or VMSP, administrative or disciplinary action may be recommended by the MBDC to the ACTION/VMSP National Office which could result in termination of the Volunteer.

B. Service-Related Legal Protection and Support

1. Federal Tort Claims Act Coverage

VMSP allowanced Volunteers are considered Federal employees for the purpose of coverage under the Federal Tort Claims Act. Under this Act, the Federal Government assumes liability for any damage to property or injury to third persons caused by a Volunteer which arise out of his/her official duties as a Volunteer and for which the Volunteer would be liable under local law.

If any claim is made against a Volunteer with respect to an automobile accident or other damage allegedly caused during the course of the Volunteer's project work, the Volunteer should immediately report such claim to his/her supervisor or sponsor who, in turn, will contact the ACTION/VMSP National Office. Refer to the Transportation section of the Administrative Policies for the procedures

to be followed in the event of an automobile accident involving Volunteer-owned, MBDC-owned, or other vehicles operated by the Volunteer.

In cases of potential liability on the part of Volunteers for damage to property or injury to persons other than motor vehicle accidents, the Volunteer's sponsor/supervisor must immediately inform the ACTION/VMSP National Office which will, after consultation with ACTION's General Counsel, advise the sponsor as to what steps to take.

Volunteers and sponsors are prohibited from making any statements to other parties of accidents concerning the ultimate liability of the Government on a particular claim. Statements concerning responsibility for an accident should only be made to government investigating officers. ACTION's General Counsel will make the final determination as to whether an accident occurred within the scope of the Volunteer's project-related activities and the extent of the Government's liability.

Volunteers and sponsors are expected to give full cooperation to ACTION's Office of General Counsel in obtaining necessary evidence and materials, and to the United States Attorney in the event any legal action is begun in connection with an accident.

During off-duty hours, or in any situation in which Volunteers are not engaged in project-related activities, they are as liable as any other citizen for any damage or injury they cause.

2. Legal Support

Under the provisions of Section 419 of the Domestic Volunteer Act of 1973, ACTION may in certain circumstances and pursuant to regulations prescribed by the Director, pay expenses incurred in the defense of VMSP Volunteers in judicial and administrative proceedings. These include counsel fees, court costs, bail, and other costs incidental to the Volunteer's defense.

(a) Legal Expenses

It is ACTION policy to pay certain legal expenses where Volunteers are involved in criminal or civil judicial or administrative proceedings under the circumstances and in the situations set forth below:

Criminal Proceedings

ACTION will pay all reasonable expenses for defense of full-time Volunteers up to and including arraignment in Federal, State and local criminal proceedings except in cases where it is clear that the charged offense results from conduct which is not related to his/her service as a Volunteer.

Situations where conduct is clearly unrelated to a Volunteer's service are those that arise either (i) in a period prior to Volunteer service, (ii) under circumstances where the Volunteer is not at his/her assigned Volunteer project location, such as during periods of administrative, vacation, or emergency leave, or (iii) when he/she is at his/her Volunteer station, but the activity or action giving rise to the charged offense is clearly not part of, or required by, such assignment.

Reasonable expenses in criminal proceedings beyond arraignment may be paid in cases where:

(1) the charge against the Volunteer relates to his/her assignment or status as a Volunteer, and not his/her personal status or personal matters;

(2) the Volunteer has not admitted a willful or knowing violation of law; and

(3) the charge(s) is not a minor misdemeanor, such as a minor vehicle violation for which a fine or bail forfeiture will not exceed $100.

NOTE: There may be situations in which the criminal proceedings result from a situation which could give rise to a civil claim under the Federal Tort Claims Act. In such situations, the Justice Department may agree to defend the Volunteer's interest and that of the government. ACTION will not pay for additional private representation for the Volunteer.

Civil Proceedings

ACTION will pay reasonable expenses incurred in the defense of VMSP Volunteers in Federal, State and local civil judicial and administrative proceedings where:

(1) the complaint or charge against the Volunteer is directly related to his/her volunteer service and not to his/her personal activities or obligations.

(2) the Volunteer has not admitted willfully or knowingly pursuing a course of conduct which would result in the plaintiff or complainant initiating such a proceeding, and

(3) if the judgement sought involves a monetary award, the amount sought exceeds $100.

NOTE: In a suit brought against a Volunteer on a cause of action which is covered under the Federal Tort Claims Act, the Justice Department will usually intervene to substitute the U.S. Government for the defendent. In such situations, no additional legal assistance for the Volunteer will be required or paid for by ACTION.

All fees and expenses paid shall be those as are normal and reasonable under the circumstances and may include those arising from any appeal from any criminal or civil proceeding. Expenses do not include fines or other penalties or payment to consult a lawyer if summoned as a witness in any proceeding. ACTION General Counsel will have the responsibility of determining the reasonableness, as well as the question as to whether such fees and expenses are the responsibility of the Agency. The determination of the General Counsel shall be final and not subject to review. In no event shall the fees and expenses exceed those payable under the Criminal Justice Act (18 U.S.C. 3006A).

(b) Legal Expense Procedures

Criminal Proceedings

(1) Immediately upon the arrest of any Volunteer under circumstances in which the payment of bail to prevent incarceration or other serious consequences to the Volunteer or the retention of an attorney prior to arraignment is necessary and is deemed to be covered under ACTION legal expense policy, sponsor VMSP/MBDC) shall immediately notify the ACTION/VMSP National Office or the appropriate ACTION Regional Office.

(2) Immediately after notification of the ACTION/VMSP National Office or ACTION Regional Office and their consultation with General Counsel, and with the approval thereof, the National or Regional Office will notify the sponsor whether to and with the approval thereof, the sponsor shall advance up to $500 for the payment of bail or such other legal expenses as are necessary prior to arraignment to prevent the Volunteer from being incarcerated. In the event it is subsequently determined that ACTION is not responsible under this policy for the Volunteer's

defense, any such advance may be recovered from allowances which are payable or become payable to the Volunteer.

(3) Immediately upon receipt of notification from the sponsor, the VMSP National Office or the ACTION Regional Office shall notify ACTION's General Counsel, giving all facts and circumstances at that time known. Thereafter, the VMSP National Office and the ACTION Regional Office will cooperate with the General Counsel in making an investigation of all surrounding facts and circumstances and will provide such information immediately to the General Counsel.

(4) The General Counsel shall, upon notification by the VMSP National Office or ACTION Regional Office, determine the extent to which ACTION will provide funds for the Volunteer's defense. Included in this responsibility shall be the negotiation of fees and approval of other costs and expenses. Neither the VMSP National Office nor the ACTION Regional Office are authorized to commit ACTION to the payment of Volunteer's legal expenses, except as provided above, without the express consent of the General Counsel. Additionally, the General Counsel shall, in cases arising directly out of the performance of authorized project activities, ascertain whether the service of the United States Attorney can be made available to the Volunteer.

Civil and Administrative Proceedings

Immediately upon the receipt by a Volunteer of the court papers or administrative orders making him or her a party to any proceeding deemed to be covered under ACTION legal expense policy, the Volunteer shall immediately notify his/her sponsor who in turn shall notify the ACTION/VMSP National Office or the ACTION Regional Office. The procedures referred to under Legal Expense Procedures-Criminal Proceedings, Section (3) and (4), shall thereafter be followed as appropriate.

(c) Policy Reference

The ACTION policy on payment of Volunteer legal expenses is published in the Code of Federal Regulations, Title 45, Part 1220.

VMSP Volunteer Service Prohibitions and Restrictions

In addition to the benefits, rights and protections derived from VMSP Volunteer service, there are certain associated service-related prohibitions and restrictions which are also necessitated by enabling ACTION legislation. These prohibitions and restrictions are:

A. Electoral and Lobbying Activities

Since VMSP Volunteers are considered by law to be employees of the Executive Branch of the Federal government for the purposes of the Hatch Act which restricts political activities of Federal employees, Volunteers should not assume or accept positions of leadership, or become identified with a particular faction or group, or with a partisan or non-partisan political group in the communities in which they serve.

The Hatch Act prohibits full-time Volunteers from engaging in partisan political activities of any sort at any and all times during their terms of service, including periods of official leave. This means that VMSP Volunteers are never "off-duty" for the purposes of the Hatch Act. Activities specifically prohibited under the Hatch Act include, but are not limited to, the following:

1. Active participation in the affairs of any partisan political committee, party, or similar organization;

2. Any solicitation on behalf of any such organization, or on behalf of any candidate;

3. Any service in connection with any political meeting or rally, including addressing such meetings;

4. Any activity at the polls, including furnishing transportation, helping get out the vote, acting as a checker, or otherwise for any party or candidate;

5. Publication of any letter, article, etc. on behalf of any party, faction, or candidate;

6. Involvement as a candidate for any party;

7. Distribution of campaign materials or nomination petitions; and

8. Engaging in any canvassing or solicitation drive for any party, faction, or candidate.

Volunteers may join and privately support any party of their choice and may attend meetings, rallies, etc., provided such attendance or such involvement does not interfere with their performance of project duties. The Hatch Act does not prevent Volunteers from holding or expressing their views on political subjects as long as this is done privately and in such a manner as to avoid association of those private views with the VMSP program or the sponsor. It should again be stressed that the provisions of the Hatch Act apply at all times during VMSP service, regardless of whether the Volunteer is on-duty or off-duty.

Additionally, the provisions of Section 403 of the Domestic Volunteer Service Act prohibit the operation of any program assisted under this Act in such a manner as to involve that project or any personnel thereof, including Volunteers, with

1. Any partisan or non-partisan political activity, or any other political activity associated with a candidate or contending faction or group, in an election for public or party office;

2. Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

3. Any voter registration activity.

These provisions require that project organizations' programs be operated in such a manner as to avoid involvement either of the Volunteers or of the project organizations' programs in any local political activity whether such activity is considered partisan or non-partisan. In addition, any voter registration activity in connection with elections must be avoided.

While the Hatch Act applies only to partisan political activity, it should be noted that the provisions of the Domestic Volunteer Service Act as amended apply as well to political activity which is considered "non-partisan". This means that elections for local office which do

not carry partisan labels, such as elections for school boards and municipal officers, are included within the coverage of this section of the Act.

Any questions as to the propriety of any political activity or any other activity which borders on this area should be referred to ACTION's General Counsel before any activity is initiated.

In addition to the electoral restrictions, the Act prohibits the use of Federal funds to support lobbying activities. Such activities include routine involvement of the Volunteer in attempts to influence the passage or defeat of either legislation or proposals by initiative petition with respect to particular issues. Exempt from this prohibition is Volunteer involvement in testimony, drafting services or representations made at the request of a legislative body, a committee of a legislative body, or legislative member, or Volunteer activity in support of an authorization or appropriation measure directly affecting the operation of the project in which the Volunteer is serving.

For additional information on the electoral and lobbying restrictions implementation and enforcement provisions, see Appendix 16.

B. Volunteer Service Prohibitions

1. Unlawful Activities

Any VMSP Volunteer is prohibited from planning, initiating, participating in, or otherwise aiding or assisting in the conduct of any unlawful demonstration, rioting, or civil disturbance.

The legality of any demonstration or similar activity will depend on local law. While carrying out their duties, VMSP Volunteers may, as part of the project, participate in lawful and non-political demonstrations which are approved by the project organization as part of its project activity and not in violation of any VMSP guidelines. Prior to initiating or engaging in any activity the legality of which is in doubt, the project organization or Volunteer should contact the ACTION/VMSP National Office.

2. Unemployment Compensation

VMSP Volunteers assigned to project organizations are not in an "employment" relationship with either the Federal government or the project organization for unemployment compensation purposes, and therefore, are not covered by unemployment compensation.

In addition, VMSP Volunteers cannot continue to receive unemployment compensation once they are officially enrolled in the VMSP because during their term of service they make a 24-hour-a-day commitment for 12 months and are therefore no longer available to accept employment.

VMSP Volunteers are not regarded as Federal employees except for certain purposes as specified in the Domestic Volunteer Service Act of 1973, as amended, including the Hatch Act, FECA, and the Federal Tort Claims Act. They are not regarded as Federal employees for purposes of unemployment compensation and the allowances received from ACTION are not regarded as wages for such purposes.

VMSP Volunteers are not regarded as "employees" of project sponsors. They serve under the authority of Federal statute and are governed by Federal, not state, law. Their support payments come from Federal funds which may be used only for authorized purposes. Because Volunteers are not legislatively considered employees, no contributions are made to State Unemployment Compensation funds and they therefore are not eligible for unemployment compensation as a result of VMSP Volunteer service.

3. Supplemental Compensation

Since VMSP Volunteers receive a subsistence allowance and other benefits such as health insurance coverage to provide for their basic necessities during service, Volunteers may not receive from any source in return for VMSP service supplemental assistance of any kind whether it takes the form of money, shelter, food, clothing, etc.

4. Full-time or Part-time Employment or Educational Enrollment

Because VMSP Volunteers make a full-time Volunteer service commitment to the VMSP to remain available for service without regard to regular working hours at all times during their term of service except for periods of approved leave, VMSP Volunteers may not hold full-time or part-time jobs or be enrolled either full-time or part-time in an educational institution. The only exception is that a Volunteer may, at his or her own expense, take one course of no more than three hours per week if it is either directly related to the Volunteer's service assignment or approved career development plan, if such course does not interfere with the Volunteer's performance and assigned duties, and if approval is provided by the VMSP supervisor and ACTION/VMSP National Office in advance. Any request for permission to enroll in more than one course must be justified in writing and will be reviewed and approved or disapproved on a case-by-case basis by the VMSP National Director.

C. Restrictions on the Use of Volunteers

1. Service of Volunteers in Church-Related Activities

All VMSP project organizations must assure that:

(a) Volunteers will not give religious instruction, conduct worship services, or engage in any other religious activity as part of their duties.

(b) No religious instruction, worship or proselytization, and other religious activity, will be conducted as part of a project to which volunteers are assigned or referred. Textbooks and other materials used in connection with the project should not have religious or sectarian content. Facilities in which projects are conducted should, to the extent feasible, be devoid of religious symbols, decoration, or other sectarian identification.

(c) The opportunity to receive the benefits of any project in which Volunteers serve will be open to persons in need without regard to their religious affiliation. The availability of the benefits of the project to all eligible persons in the area served will be publicized.

(d) Volunteers who serve in an institution that gives religious instruction, or engages in other religious activities, will not be used as replacements for regular personnel of that institution.

2. Limitations on Activities Which Would Otherwise be Performed

VMSP Volunteers are prohibited from performing activities or duties which would, in their absence, be carried out by the staff of the project organization, for example secretarial and clerical duties, or any activities specifically included in the VMSP/MBDC's operational workplan and for which MBDC receives funding for staff support.

3. Limitation on Activities Which Result in the Displacement of Employed Workers

VMSP Volunteers may not perform any services or duties which would displace employed workers.

4. Limitation on Activities Which Impair Existing Contracts for Service

   VMSP Volunteers are prohibited from engaging in any activities, services, or duties which impair existing contracts for service previously agreed to by the project organization.

5. Limitation on Labor or Anti-Labor Activity

   The assignment of VMSP Volunteers to activities or duties which directly or indirectly assist any labor or anti-labor organizing activity, or related activity, is prohibited.

6. Limitation on Receiving Any Compensation for Services of Volunteers

   Project organizations are prohibited from requesting or receiving any compensation for the services of allowanced VMSP Volunteers.

VMSP Volunteer-Related Administration Policies

There are a number of volunteer-related administrative policies applicable to VMSP Volunteer service. These are as follows:

A. General Administration

1. Length of Service

VMSP Volunteers are expected to serve for a 12-month period. During their term of service, Volunteers make a full-time commitment and thus remain available for service without regard to regular working hours, except for periods of approved leave. A Volunteer who intends to be absent from the project for an extended period of time must first obtain permission from the project organization supervisor, who will in turn notify the ACTION/VMSP National Office.

2. Oath of Service

VMSP Volunteer upon enrollment must take the oath of office as prescribed for all Title I full-time Volunteers. Persons legally residing within a State but who are not citizens or nationals of the United States, may serve without taking or subscribing to such oath, if the ACTION Director determines that the service of such persons will further the interest of the United States. Such persons shall take such alternative oath or affirmation as the Director shall deem appropriate.

3. Notification of Change in Volunteer's Home Address

If a Volunteer changes his/her home address, he/she must advise his/her project supervisor and the ACTION/VMSP National Office immediately.

VMSP Volunteers should immediately advise the VMSP National Office of any change of address, even if they are leaving the project. This will assure that all VMSP mailing and official notifications to the Volunteer including W-2 tax forms are correctly addressed.

The notification of change of address should be sent to:

VMSP/ACTION
806 Connecticut Ave., N.W.
Room 1003
Washington, D.C. 20525

The project organization should be provided with a copy.

4. Notification of Change of Marital Status

The ACTION/VMSP National Office and project organization must be notified immediately, in writing, of a change in a Volunteer's marital status for recordkeeping and payroll purposes.

ACTION assumes no financial responsibility for a non-Volunteer spouse or for children.

B. Financial Support

The subsistence allowance which a Volunteer receives from ACTION is intended to cover the cost of food, housing, and other basic necessities during service. Volunteer also receives a vacation leave allowance at the beginning of the seventh month of service. The subsistence allowance is for the sole support of the Volunteer and VMSP assumes no financial responsibility for spouse and/or dependent children of the Volunteer. As noted in the section on VMSP Volunteer Prohibitions and Restrictions, project organizations may not supplement the subsistence allowance which the Volunteer receives from ACTION.

1. VMSP Volunteer Allowances

(a) Subsistence Allowance

Upon being sworn-in as a VMSP Volunteer, a monthly subsistence allowance will commence. The subsistence allowance rate is determined by the ACTION Regional Office and is based on the estimated average cost for a low-income individual in the community in which the Volunteer is serving.

Volunteer subsistence allowances are computed on a daily rate and paid to Volunteers biweekly. Volunteer allowance checks cover a fourteen-day period and are paid ten days after the end of the pay period in which the allowance is earned. Federal income tax is withheld from the subsistence allowance.

(b) Vacation Leave Allowance

The total leave allowance of $70 (minus the appropriate taxes) will be paid as part of the biweekly check in the beginning of the Volunteer's seventh month of service. If a Volunteer

terminates before the seventh month of service, no part of the vacation leave allowance will be paid. The Volunteer does not accumulate the leave allowance on a monthly basis.

2. Taxes

Both the VMSP Subsistence and Vacation Leave allowances are subject to Federal and State income taxes. Neither is subject to FICA (Social Security tax).

Federal income taxes are withheld from the regular biweekly allowance check. It is the Volunteer's responsiblity, however, to determine and conform to State tax laws by contacting the State tax office. ACTION does not withhold any State income tax.

(a) Exemption from Withholding of Federal Income Taxes

If a Volunteer does not want to have Federal taxes withheld from his/her allowance, the Volunteer must fill out a W-4 Form and claim "exempt" status. The W-4 Form explains the eligibility requirements for tax exempt status. (The W-4 may be obtained from a local Internal Revenue Service office.) The W-4 Form must be renewed every calendar year in January when an "exempt" status is claimed. The Volunteer should send the W-4 Form to the ACTION/VMSP National Office, which will then send it to the ACTION Accounting Division for processing.

(b) Earned Income Credit

Under the Earned Income Credit (EIC) provisions of the Federal Revenue Act of 1978, families with limited income can use the credit either to reduce federal taxes owed, or to get a lump sum refund, or to obtain an advance payment which can be included in regular VMSP allowance checks throughout the year.

Receipt of Earned Income Credit may, however, affect the Volunteer's benefit levels under other federally-funded public assistance programs. It is, therefore, advisable to check these programs before filing for Earned Income Credit.

In order to claim Earned Income Credit (EIC) during the year a Volunteer must file a Form W-5, "Earned Income Credit Advance Payment", with the VMSP National Office at the beginning of each calendar year. Volunteers who are eligible for EIC, but choose not to get the advance payment, can still claim the EIC on their tax returns.

The Volunteer will receive a W-2 Form from ACTION by January 31 showing the amount of VMSP earning and the amount of Federal taxes withheld for the preceding calendar year. If the W-2 Form has not arrived by February 15, the Volunteer should advise his/her supervisor who will, in turn, inform the ACTION/VMSP National Office.

After termination from VMSP service, the Volunteer will receive a W-2 Form in January of the following year reflecting VMSP earnings and taxes withheld for the preceding year prior to termination.

It is important, therefore, that ACTION/VMSP National Office be advised of the Volunteer's current address prior to that time. Change of address notices should be sent to:

VMSP/ACTION
806 Connecticut Ave., N.W.
Room 1003
Washington, D.C. 20525

Please indicate that the address applies to a former VMSP Volunteer.

MBDCs should not include Volunteer allowances paid by ACTION as part of their own employee payroll reports which are submitted to Internal Revenue Service on a quarterly basis.

3. Life Insurance Coverage and Deductions

VMSP Volunteer may purchase term life insurance under a group policy with the Northwestern National Life Insurance Company, Minneapolis, Minnesota. Enrollment in the group plan is voluntary, and normally takes place at the time of swearing-in. Those who do not wish to enroll in the group life insurance policy must complete a Waiver of Coverage form which is provided during the Volunteer's orientation and swearing-in. Those who do purchase the insurance must complete a Designation of Beneficiary form at the time of swearing-in.

Insurance coverage is $12,000 on all Volunteers under the age of 60 at the time of their enrollment, $6,000 for those 60-69, and $3,000 for those 70 and over.

The cost of the insurance premium is deducted from the Volunteer's biweekly subsistence allowance. During 1984, for example, the cost biweekly was $1.43. Volunteers will be advised of any changes in premium rates.

Coverage begins at the time of enrollment, but premimum deductions do not begin until the first full pay period. The Volunteer will receive a Certificate of Coverage from the ACTION/VMSP National Office at the time of enrollment in the insurance plan.

Volunteers may cancel their life insurance or waive further coverage at any time by informing the ACTION/VMSP National Office in writing. If the Volunteer waives coverage, he/she cannot subsequently be covered during current service without undergoing a physical exam at his/her own expense and submitting a Group Evidence of Insurability form to the ACTION/VMSP National Office. This form may be obtained from the Northwestern National Life Insurance Company. The address is:

Northwestern National Life Insurance Company
Box 20-Group Dept., Route No. 2686
Minneapolis, Minnesota 55472.

Acceptance of the Volunteer's application at that time is determined solely by the insurance company.

Life insurance coverage ends 31 days after the date on which the Volunteer's service terminates. The Volunteer may convert to an individual life insurance policy without a medical examination, if application for conversion is made within one month of termination. Forms for conversion and information about rates may be obtained from the ACTION/VMSP National Office.

4. Provision of Allowance Checks and Earning Statements

Volunteer checks are sent by VMSP/ACTION directly to the MBDCs. The MBDCs are responsible for ensuring that the Volunteers receive their checks immediately. Checks incorrectly sent to the MBDCs for Volunteers who have terminated early or who are no longer on the project must be returned to the VMSP National Office immediately. The VMSP holds the MBDCs to be the responsible agents for distributing the checks and obtaining and maintaining written verification of receipt by the Volunteer. MBDCs should keep the checks in a safe place until they can be given to the Volunteers.

The subsistence allowance and the vacation leave allowance are recorded on the Domestic Volunteer Earnings Statement, Form A-594, and paid via check issued by the U.S. Treasury, Washington, D.C. The check normally arrives on every other Tuesday.

The Earnings Statement is mailed separately by ACTION and usually arrives after the allowance check.

5. Recovery of Overpayments

If the Volunteer is overpaid at any time during the term of service, the overpayment is collected at the rate of $10.00 per pay period from the regular biweekly check. An example of an overpayment is a subsistence allowance payment that was incorrectly made at the rate of $200.00 a month when it should have been $180.00 a month. If the overpayment exceeds $10.00, the balance yet to be collected is shown on the Volunteer's Earnings Statement in the item titled "overpayments yet to be collected".

Checks received by the MBDC for Volunteers who terminated during the last pay period but who did not complete the entire pay period should be pulled by the MBDC if the allowance check is not reflective of the number of days the Volunteer was actually serving and the ACTION/VMSP National Office should be notified immediately.

6. Lost Checks

If a Volunteer loses a paycheck before cashing it, or if it is stolen, he/she should immediately notify the ACTION/VMSP National Office by phone or telegram. The Volunteer must also report the loss in writing, including a description of the loss, and send the signed report to the ACTION/VMSP National Office as soon as possible.

The VMSP National Office will notify the U.S. Treasury Department of the loss. The U.S. Treasury will initiate an investigation and if it is determined that the Volunteer has not cashed the check, the Treasury Department will issue a new check. The investigation and reimbursement is entirely the responsiblity of the Treasury Department, and reimbursement may take up to ten (10) weeks.

C. Policies on Volunteer Status Changes

During the course of VMSP service, a Volunteer's status may be changed either voluntarily or involuntarily through the following procedures:

1. Administrative Hold

During the course of VMSP service, a Volunteer may be placed in Administrative Hold status by the ACTION/VMSP National Office when/if it is determined that the Volunteer, for a period of time, will not be able to function effectively on the project. If it is anticipated that the Volunteer will be able to resume the

job assignment within 30 days, the Volunteer is placed on Administrative Hold. (If the Volunteer is unable to perform because of a medical reason, he/she may be placed on medical hold in line with procedures described in the Medical Hold section of the ACTION Full-Time Domestic Volunteer Health Benefits Program Handbook.)

All allowances will normally continue for Volunteers placed on Administrative Hold status for reasons beyond their control. However, any or all allowances may be discontinued during a period in which a Volunteer is on Administrative Hold, if in the opinion of the ACTION/VMSP National Office, the Volunteer is engaged in activities in which ACTION would not appropriately be responsible for support.

Deductions for a Volunteer's life insurance premiums are continued while a Volunteer is on Administrative Hold status as long as allowance payments are continued.

Placement on Administrative Hold status will not affect a Volunteer's scheduled termination date.

2. Resignation

A Volunteer may resign at any time by providing written notification to the project organization and the ACTION/VMSP National Office. When practicable, notice should be given thirty (30) days in advance to insure that the Volunteer's departure will be only minimally disruptive to the project. Volunteers who intend to resign early from their assignment should complete ACTION Form A-732, "ACTION Domestic Volunteer Future Plans or Early Termination Request," and forward it to their supervisor for submission to the ACTION/VMSP National Office.

If the Volunteer resigns with less than 30 days notice, there may be a delay in receipt of the final check by the Volunteer. Any outstanding overpayments will be deducted from this final check.

3. Suspension

The ACTION/VMSP National Office may upon the request of the project organization or of its own initiative, suspend a Volunteer for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the Volunteer

for conduct listed under Grounds for Termination. Suspension is not warranted if the ACTION/VMSP National Office determines that sufficient grounds already exist for the initiation of termination, in which case termination procedures will be followed.

Initial notice of suspension may be written or verbal and is effective upon notification to the Volunteer by a ACTION/VMSP National Official. Within 3 days after initiation of the suspension, the Volunteer will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period the Volunteer may not engage in project activities, but will continue to receive all allowances.

At the end of the suspension period, either the Volunteer must be reinstated with the project or termination proceedings must be initiated.

4. Termination

(a) Grounds for Termination

The ACTION/VMSP National Office may upon the request of the project organization or of its own initiative, terminate a Volunteer based on the Volunteer's conduct for the following reasons:

(1) Conviction of any criminal offense under Federal, State, or local statute or ordinance;

(2) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(3) Failure, refusal or inability to perform prescribed project duties as outlined in the Volunteer assignment description and as directed by the sponsoring organization to which the Volunteer is assigned;

(4) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;

(5) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;

(6) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VMSP Volunteer;

(7) Unsatisfactory performance of Volunteer assignment;

(8) Inability to perform project duties because of serious illness, medical disability, or incapacitation (see Medical Termination for grounds and procedures as listed in ACTION Full-Time Domestic Volunteer Health Benefits Program Handbook); or

(9) Lack of a viable assignment to which the Volunteer can be transferred if the Volunteer's project assignment site is terminated prior to completion of the Volunteer's period of service.

(b) Termination Procedures

(1) Opportunity for Resignation

In instances where the ACTION/VMSP National Office has reason to believe that a Volunteer is subject to termination for any of the grounds cited above, a ACTION/VMSP National Office representative will discuss the matter with the Volunteer. If, after the discussion, the representative believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer chooses not to resign, the administrative procedures outlined below will be followed.

(2) Notification of Proposed Termination

The Volunteer will be notified, in writing and by certified mail, of ACTION's intent to terminate him or her by the VMSP National Office at least 15 days in advance of the proposed termination date. The letter shall give the reasons for termination, and notify the Volunteer that he or she has 10 days within which to answer in writing and to furnish any affidavits or written material. This answer must be submitted to the ACTION/VMSP National Office Director or his/her designee identified in the notice of proposed termination.

(3) Review and Notice of Decision

If the Volunteer answers within the 10 response days allowed, the ACTION/VMSP National Office Director or his/her designee will, within 5 working days after the date of receipt of the Volunteer's response, send a written Notice of Decision to the Volunteer by certified mail.

If the Volunteer does not answer within the 10 response days allowed, the ACTION/VMSP National Office Director or his/her designee, will send such Notice of Decision within 5 working days after the expiration of the Volunteer's time to respond.

If the decision is to terminate the Volunteer, the Notice will set forth the reasons for the decision, the effective date of termination (which, if the Volunteer has filed an answer, may not be earlier than 10 days after the date of the Notice of Decision), and the fact that the Volunteer has 10 days in which to submit a written appeal in compliance with the procedures set forth below.

(4) Appeal Procedures

The Volunteer has 10 days from the date of the Notice of Decision in which to submit a written appeal requesting review of the decision by ACTION's Associate Director for Domestic and Anti-Poverty Operations or his/her designee. That appeal should be submitted to:

ACTION
Associate Director for Domestic and
Anti-Poverty Operations
806 Connecticut Avenue, N.W.
Washington, D.C. 20525

Any Volunteer who has not filed an answer to the original Notification of Proposed Termination within the required 10 days pursuant to the procedures outlined in section (2) above is not entitled to appeal the decision or request a hearing and may be terminated as of the date on the Notice.

(5) Allowances Continuation and Performance of Project Activities

A Volunteer who files a timely answer with the VMSP National Office following receipt of the notice of proposed termination, will be placed in Administrative Hold status, and will continue to receive regular allowances in accordance with ACTION policy until the appeal is finally decided. The Volunteer will not engage in any project-related activities during this time.

5. Removal From Project

Removal of a Volunteer from the project assignment may be requested and obtained by a written request supported by a statement of reasons by the Governor or Chief Executive Officer of the State or similar jurisdiction in which the Volunteer is assigned.

The sole responsiblity for terminating or transferring a Volunteer rests with the ACTION Agency.

A request for removal of a Volunteer must be submitted to the ACTION Regional or State Director, who will in turn notify the Volunteer and the VMSP National Office of the request. The Regional or State Director, after discussions with the Volunteer and in consultation with the VMSP National Director, has 15 days to attempt to resolve the situation with the Governor's office. If the situation is not resolved at the end of the 15 day period, the Volunteer will be removed from the project and placed on Administrative Hold, pending a decision as set forth below.

The ACTION/VMSP National Office will take one of the following actions concerning a Volunteer who has been removed from the project assignment:

(a) Accept the Volunteer's resignation;

(b) If removal was requested for reasons other than those listed under Grounds for Termination, the ACTION/VMSP National Office will attempt to place the Volunteer with another ACTION project. If reassignment is not possible, the Volunteer will be terminated for lack of suitable assignment, and he or she will be given special consideration for future ACTION Volunteer service.

(c) If removal from the project is based on any of the Grounds for Termination as set forth above, the Volunteer may appeal the termination in order to establish whether such termination is supported by sufficient evidence, utilizing the procedures set forth under Termination Procedures above. If ACTION determines that the removal based on Grounds for Termination is not established by adequate evidence, then the procedures outlined in the above section 5(b) will be followed.

6. Project Transfer

In the event that the project site to which a Volunteer is assigned ceases to participate in the MBDA Minority Business Development Centers Program, the VMSP will attempt to reassign the Volunteer to an alternate MBDA/MBDC site within the same SMSA whenever possible.

For further details on the suspension, termination, removal and appeal procedures, see ACTION termination procedures included in the Appendix.

D. VMSP Transportation Policies

Transportation is often essential for the Volunteer to perform the assignment effectively. The project organization is responsible for determining and reimbursing the service-related transportation needs of Volunteers. As a general rule, Volunteers are expected to use public transportation in connection with their assignment when it is available and adequate. When public transportation is not adequate, the project organization can allow the Volunteer to use the organization's cars or give written authorization and provide reimbursement to Volunteers for use of their privately-owned vehicle (POV), for assignment-related travel. In addition the project organizations have the responsiblility for assuring that in fact the Volunteer's travel is documented, is service-related and that the Volunteer is in compliance with state and local regulations when utilizing its own or the Volunteer's own privately-owned vehicles.

Consistent with project organization travel and reimbursement policies, the project organization may provide reimbursement for service-related mileage, public transportation expenses, (bus or subway), and any required out-of-town travel authorized by the ACTION/VMSP National Office.

1. License and Insurance

Volunteers are responsible for compliance with all state and local laws concerning vehicle registration, operator licensing, and

insurance on any privately-owned vehicle used for assignment-related travel. When vehicles owned or rented by project organizations are utilized, the project organizations have the responsibility for assuring that these vehicles are in compliance with state and local regulations. Volunteers are covered by the Federal Tort Claims Act for third party liability (i.e., damage or injury to others) only while in the performance of official duties. VMSP is not responsible, however, for any damage to the Volunteer's own vehicle; thus it is essential that the Volunteer retain insurance on his/her own vehicle.

2. Accident Procedures

If an accident occurs when the Volunteer is driving a privately-owned vehicle, motorcycle, or motorscooter, the Volunteer must summon the local police immediately and, within two days of the accident, must prepare the following forms (see Appendix for forms):

(a) The Volunteer must complete the "Operator's Report of Motor Vehicle Accident", SF-91;

(b) The Volunteer's supervisor must complete the "Investigation Report of Motor Vehicle Accident", SF-91A and sign it as reviewing official; (Do not, however, complete Section 28)

(c) When possible, obtain the names and addresses of witnesses and, if possible obtain a completed "Witness Statement" SF-94 from the witness. Where there are no witnesses and, therefore, the SF-94 cannot be prepared, a statement to this effect should be included in both the Operator's Report (SF-91) and Investigation Report (SF-91A) to be completed by the supervisor; and

(d) GSA Form 26, indicating whether the Volunteer was within the scope of the assignment.

The project organization must submit the above forms as soon as possible to the ACTION/VMSP National Office, and both the Volunteer and the MBDC should retain a copy.

In all instances where State laws require an official police report, based on the extent of damages, such reports must be included with the other forms listed above. In all cases involving damage to property (regardless of how minor) an official police report, if available, should be attached to the SF-91.

Two copies of all reports mentioned above should be submitted to the ACTION/VMSP National Office, one copy of which will be forwarded to the Office of General Counsel.

All Volunteers and supervisors are prohibited from making any representations to other parties involved in an accident concerning the ultimate liability of the Government on a particular claim. ACTION's Office of General Counsel, or where appropriate, the Department of Justice, will make the final determination on whether an accident occurred within the scope of the Volunteer's project-related activities, and the extent of the Government's liability. Volunteers and supervisors are expected to give full cooperation to the Office of General Counsel in obtaining necessary evidence and materials, and to the United States Attorney in the event a legal action is begun in connection with the accident.

If requested, supervisors or Volunteers are authorized to provide third parties with copies of Standard Form 95, Claim for Damage, Injury or Death (See Appendices) and to advise them that the claim may be submitted to the Office of General Counsel.

If a civil action is brought in a local court against either the Volunteer or the supervisor as a result of an accident, ACTION's Office of General Counsel should be advised immediately, and copies of all official and legal documents should be transmitted to:

ACTION Agency
Office of General Counsel
Washington, D.C. 20525.

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APPENDIX I

MBDA and ACTION Regional Offices

MBDA and ACTION Regional Offices

MBDA Regional Offices

New York Regional Office/MBDA
26 Federal Plaza, Room 3720
New York, NY 10278

States: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Puerto Rico, Rhode Island, Vermont, and The Virgin Islands

Washington Regional Office/MBDA
14th & Constitution Avenue, N.W., Room 6711
Washington, D.C. 20230

States: Delaware, Maryland, Pennsylvania, Virginia, Washington D.C., and West Virginia

Atlanta Regional Office/MBDA
1371 Peachtree Street, N.E., Suite 505
Atlanta, GA 30309

States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Chicago Regional Office/MBDA
55 East Monroe Street, Suite 1440
Chicago, IL 60603

States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin

ACTION Regional Offices

Region I/ACTION
441 Stuart Street, 9th Floor
Boston, MA 02116

States: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Region II/ACTION
Jacob K. Javits Federal Bldg.
26 Federal Plaza, Suite 1611
New York, NY 10278

States: New Jersey, New York, Puerto Rico, and The Virgin Islands

Region III/ACTION
U.S. Customs House
2nd & Chestnut Street, Room 108
Philadelphia, PA 19106

States: Delaware, Kentucky, Maryland, Ohio, Pennsylvania, Virginia, Washington D.C., and West Virginia

Region IV/ACTION
101 Marietta Street, N.W., Suite 1003
Atlanta, GA 30323

States: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee

MBDA and ACTION Regional Offices

MBDA Regional Offices

Dallas Regional Office
1100 Commerce Street, Room 7B19
Dallas, TX 75242

States: Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, South Dakota, Oklahoma, Texas, Utah, and Wyoming

San Francisco Regional Office
450 Golden Gate Avenue, Room 15045
San Francisco, CA 94102

States: Alaska, American Samoa, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington

ACTION Regional Offices

Region V/ACTION
10 West Jackson Blvd, 3rd Floor
Chicago, IL 60604

States: Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin

Region VI/ACTION
1100 Commerce, Room 6B11
Dallas, TX 75242

States: Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas

Region VIII/ACTION
Columbine Bldg, Room 201
1845 Sherman Street
Denver, CO 80203

States: Colorado, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming

Region IX/ACTION
211 Main Street, Room 530
San Francisco, CA 94195

States: American Samoa, Arizona, California, Guam, Hawaii, and Nevada

Region X/ACTION
1111 Third Avenue, Suite 330
Seattle, WA 98101

States: Alaska, Idaho, Oregon, and Washington

APPENDIX II

VMSP Quarterly Progress Report Form (ACTION Form A-1035)

OMB Approval 3001-0093
Expires June 1986

TITLE I,
PART C
PROJECT PROGRESS REPORT

OMB Approval 3001-0093
Expires June 1986

ACTION TITLE I, PART C

PROJECT PROGRESS REPORT

Project Sponsor _____ Project Name _____

Address _____

Person Completing Report _____
(Name) (Title)

Telephone _____ Circle quarter of budget period (1 2 3 4)

Dates of Reporting Period _____ (Month/Year) to _____ (Month/Year)

ACTION Program Covered by this Report (Check)

_____ S/OVCP _____ Mini-Grant _____ TAP Grant _____ Demonstration Grant

_____ Special Project (List) _____ _____ F.I.C.C.

PROJECT ACCOMPLISHMENTS

1. Attach a copy of the Project Work Plan and Administrative Milestones, if applicable, and provide sufficient information in column on the right as to actual project accomplishments so that reviewing official can evaluate progress. Also, attach copies of press clippings, flyers, letters, brochures, reports, Advisory Council minutes, etc., which relate to the project's activities and achievements.
2. Attach a one-page narrative summary prepared by the Project Director which describes successes or difficulties.

PROBLEMS

3. Briefly describe any problems which are hindering the achievement of the project's goals and objectives. (Discuss each goal/objective not achieved.)

4. How do you plan to solve the problems described in No. 3 above?

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5. Briefly explain reasons for overexpenditures or underexpenditures of budget line items, i.e., where actual expenditures through the end of this quarter do not correspond to the percentage of the budget period which has been completed.

6. What kind of assistance do you need from ACTION regarding the management and support of this project and/or volunteers?

RESOURCES GENERATED

7. Describe resources (funding, facilities, other in-kind support, etc.) generated for the project, if not reflected in the Project Work Plan, Administrative Milestones, or Budget. Provide quantitative data where possible.

COMMUNITY CONTINUANCE

8. What was accomplished during this reporting period which will remain in the community after the project is completed?

9. Number of volunteers at end of quarter _____ Federal cost per volunteer $_____

   Number of volunteer hours served _____ Federal cost per hour $_____

10. Number of volunteers serving in Special Emphasis areas during quarter

Acute Care	_____	Literacy	_____
Alcohol/Drug Abuse	_____	Long Term Care	_____
Child Abuse/Neglect	_____	Mental Health	_____
Crime Prevention	_____	Refugees	_____
Early Intervention	_____	Runaway Youth	_____
Energy	_____	Terminally Ill	_____
Fixed Income Consumer Counselling	_____	Troubled Youth	_____

COMMENTS AND SUPPLEMENTAL INFORMATION

APPENDIX III

ACTION Full-Time Volunteer Application Form
(ACTION Form 1420)

VISTA & OTHER ACTION FULL-TIME VOLUNTEER APPLICATION

AND REFERENCE FORMS

A-13

VOLUNTEER FACTS

The process of becoming a VISTA or other full-time ACTION volunteer is not complicated, but several steps are involved:

1. A discussion with the sponsoring organization or ACTION to determine whether you have the skills and talents needed for the particular project is a first step.
2. The information you provide on this application, together with the information furnished by your references, will be used to determine your eligibility for VISTA or other ACTION volunteer service. Consequently, it is important that you complete your application carefully, telling us as much as possible about yourself. Answer each question briefly, but completely, especially with regard to community involvement. If you need additional space, it is provided in section 19 on page 5, or if necessary, attach an extra sheet of paper to the application. Be sure to identify the number of the question you are answering. Keep in mind that missing or incomplete answers can delay the processing of your application.
3. Your selection of references is very important. Choose people who really know your capabilities and talents, and if possible, have some knowledge of the project on which you will be working.

If you would like assistance in completing the application, contact the sponsoring organization with which you plan to work.

You should know that:

- volunteers must be at least 18 years of age by the time training begins. There is no upper age limit. They must be either United States citizens or have permanent resident visas.
- low-income VISTA volunteers are eligible by law for assistance in career development.
- if you are receiving any form of public assistance, your eligibility for and the level of assistance you are receiving will not be affected by any allowances paid to you as a volunteer.
- volunteers are considered employees of the Federal Government for the purpose of the Federal Employees Compensation Act (FECA). This Act provides compensation for work-related illnesses or injuries which occur during the volunteer's service in ACTION programs

Before you become a volunteer you will receive training which:

- is a basic orientation to ACTION volunteer programs and to other national and local programs designed to assist low-income communties.
- is designed to help you adapt your skills and experiences to a particular volunteer assignment and community.

As a volunteer you will:

- be assigned to and supervised by a local sponsoring organization; assignments require a full-time, full-year commitment.
- receive a variable subsistence allowance. However, this allowance is small and intended for the support of one person only. ACTION cannot be responsible for the support of a volunteer's family or any expenses incurred by them. The subsistence allowance varies depending on the requirements to maintain a living standard commensurate with that of the low-income community where the volunteer is assigned and is subject to federal tax.
- receive vacation leave.
- receive health care. ACTION provides all full-time volunteers with comprehensive health coverage during service. In general this coverage does not cover pre-existing conditions, illnesses or injuries, but it does provide adequate health maintenance for the volunteer during service. Families of volunteers are not included in this coverage.
- be entitled to life insurance. This is optional and, if selected, the monthly premium will be deducted from the subsistence allowance.
- the Agency is required by the provisions of the Privacy Act of 1974 to provide you with the following information as to this application.
  - A. This application is authorized by the provisions of the Domestic Volunteer Service Act of 1973 which provides authority for the program for which this application has been prepared, and requires the collection of information about the qualifications, abilities and integrity of applicants for positions as volunteers.
  - B. The principal purpose for which the information provided here will be used is to evaluate your qualifications to serve as a VISTA or other full-time ACTION volunteer. Included in this determination will be an assessment of your suitability for specific projects and assignments.
  - C. The routine uses to which this information may be put are as follows:
    1. Information about the applicant may be disclosed to sponsoring agencies or grantees for the purpose of determining placement.
    2. Information contained in the application may be provided to the Treasury for the preparation of support checks and to the Social Security Administration for reports on Social Security contributions.
    3. Information contained herein may be provided to Federal investigative agencies for the purpose of conducting a background investigation.
  - D. Failure to provide all of the requested information in the application may result in non-selection for an ACTION volunteer program.

This Statement Should be Removed and Kept for Your Record

O.M.B. No. 3001-0081
Approval Expires February 29, 1987

ACTION VOLUNTEER APPLICATION

FOR USE BY

VISTA & OTHER FULL-TIME APPLICANTS

DO NOT WRITE IN THIS BLOCK FOR USE OF ACTION OFFICIALS ONLY
SPONSORING ORGANIZATION
PROJECT NUMBER
TRAINING CLASS

PLEASE PRINT OR TYPE

AIA

1. NAME

LAST FIRST MIDDLE/MAIDEN

2. SOCIAL SECURITY NUMBER

☐☐☐ ☐☐ ☐☐☐☐

3. ADDRESS

AIB

A. Current Address:
(All information will be sent to this address until you notify ACTION of a change of address.)

NUMBER AND STREET

CITY AND STATE ZIP CODE

(AREA CODE) HOME PHONE

(AREA CODE) BUSINESS OR SCHOOL PHONE

B. Permanent Address:
(Name and address of person through whom you can always be reached.)

LAST NAME FIRST NAME INITIAL

NUMBER AND STREET

CITY AND STATE ZIP CODE

(A.C.) HOME PHONE BUSINESS OR SCHOOL PHONE

C. Have you lived in the community where you will be serving? ☐ Yes ☐ No. If yes, please indicate how long _____ Years _____ Months

D. If necessary, are you prepared to spend a portion of your training away from your home community? Yes ☐ No ☐

4. SEX

Female ☐-F

Male ☐-M

5. DATE OF BIRTH

MONTH (NUMERIC) DAY YEAR

6. PREVIOUS APPLICATION

Have you applied previously for VISTA or Peace Corps?

Yes ☐ No ☐ If yes indicate which and give date.

7. CITIZENSHIP

Are you a citizen of the United States? Yes ☐ No ☐

If you are not a citizen, indicate type and expiration data of visa.

8. MARITAL STATUS

Unmarried ☐-1 Married ☐-3

9. CHILDREN AND OTHER DEPENDENTS

A. Are any persons partially or totally dependent upon you for their support *(whether or not they are living with you)*? Yes ☐ No ☐ If yes, how many? _____

B. Do you have adequate means to continue your legal support obligations while serving without salary as a volunteer? Yes ☐ No ☐

10. AVAILABILITY FOR SERVICE

When are you available for service? Month Year

11. LEGAL INFORMATION

A. Have you ever been convicted of any offense by civilian or military court? *(Do not include minor traffic violations or any offense tried before a juvenile court.)* See C.

Yes ☐ No ☐

B. Are you now under charges for any offense or are any civil suits or judgments now pending against you? *(Do not include charges for minor traffic offenses, see 'C')*

Yes ☐ No ☐

C. If you answered yes to either of the above, provide details below or on a separate sheet of paper. State your name, the date and place of each arrest, suit or judgment. Give the nature of the charge or suit, and current status or disposition including any sentence or fine imposed. Provide a complete explanation of the circumstances. If you wish, place the separate sheet in a sealed envelope and attach it to this application. Only a limited number of authorized employees will have access to this information and it will be treated in confidence. The information provided in this section will be verified in the event that you become a volunteer. Consequently, any missing or inaccurate facts may be grounds for termination.

Date	Charge	Place	Action taken	

12. SKILLS

Please indicate those areas in which you have had training or experience, including any volunteer or community service.

Amount of Experience Years	Month	VOCATIONAL FIELDS
		Architecture
		Business, Accounting/Bookkeeping
		City/Regional Planning
		Engineering
		Farming
		Home Economics (Housekeeping, Nutrition, etc.)
		Laborer
		Law/Para-legal
		Medical (Doctor, Dentist, etc.)
		Nursing
		Nurse's Aide or Practical Nursing
		Other Health Fields (Technologist, Therapists, Midwife, etc.)
		Outreach Worker/Neighborhood Aide
		Secretarial, Clerical
		Social Work
		Social Work Aide
		Teaching
		Teacher's Aide/Day Care Aide
		Tutoring
		Trade Skills (Carpenter, Electrician, Plumber, Construction, etc.)
		Other *(Specify)*

Do you have a degree, certificate or registration in any other fields you have listed above? Yes ☐ No ☐
If yes, what type? _____ When received? _____
Briefly describe any field work experience associated with academic courses, classroom or on-the-job training or teaching experience, etc.

_____

_____

_____

_____

_____

_____

13. EDUCATIONAL INSTITUTIONS ATTENDED

Check the box for the highest level of education you will have completed by the time you will be available to enter training:

1. ☐ Less than High school completed
2. ☐ High school graduate
3. ☐ 1st year of college completed
4. ☐ 2nd year of college completed
5. ☐ 3rd year of college completed
6. ☐ College graduate
7. ☐ Graduate study
8. ☐ Graduate degree
9. ☐ Technical school/Apprenticeship
10. ☐ Associate degree/Other *(specify)* _____

Beginning with the most recent, list all schools attended since and including high school. Include any trade or technical schools, military training, etc.

Name of School City and State	Dates Attended From Mo.	From Yr.	To Mo.	To Yr.	Type of School	Area of Study Major/Minor	Degree or Certificate	Date Received *or expcted)*

UN COL	DEG	MAJ	MIN

GRAD COL	DEG	MAJ	Last Deg. date YR	MO

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14. EMPLOYMENT RECORD

Answers given in this section may be verified with former employers.

A. Are you currently employed? Yes ☐ No ☐

B. Have you ever been employed? Yes ☐ No ☐

C. Please list below the last four positions you have held beginning with the present or most recent. Be sure to include any position held which may be relevant to your work as a volunteer, or any military service. Use additional space in Section 19, if necessary.

Name and Address of Company	Dates	Salary and Hours per Week	Job Title and Duties	Reason for Leaving
COMPANY STREET CITY AND STATE	From Mo./Yr. To Mo./Yr.	$_____ per week ☐ mo. ☐ hours_____	Title _____ Duties _____	
COMPANY STREET CITY AND STATE	From Mo./Yr. to Mo./Yr.	$_____ per week ☐ mo. ☐ hours_____	Title _____ Duties_____	
COMPANY STREET CITY AND STATE	From Mo./Yr. to Mo./Yr.	$_____ per week ☐ mo. ☐ hours_____	Title _____ Duties _____	
COMPANY STREET CITY AND STATE	From Mo./Yr. To Mo./Yr.	$_____ per week ☐ mo. ☐ hours_____	Title _____ Duties _____	

D. Please explain periods of time not otherwise accounted for by employment, school, military, etc.

15. LANGUAGES

List languages known or studied below other than English.

Language	Where Studied	Number of years Studied or Spoken	Spoken	Ability			Exc.
			in Home	Poor	Fair	Good	

☐☐☐ SKILL 1 ☐☐☐ SKILL 2 ☐☐☐ SOURCE CODE ☐☐☐☐ STATUS CODE ☐☐☐ M L A

16. ORGANIZATIONAL AND COMMUNITY INVOLVEMENT

List and describe your organizational memberships and community service. Include labor unions, social, professional, religious and neighborhood projects and programs, including any volunteer activities.

DATE	NAME OF GROUP	DESCRIPTION OF ACTIVITIES

17. OTHER INTERESTS AND HOBBIES

Describe any interest, hobbies, skills, organized athletics, recreational programs or activities not elsewhere included:

18. MOTIVATION STATEMENT

Briefly explain why you wish to be a volunteer.

19. ADDITIONAL INFORMATION SPACE

(Be sure to identify appropriate question number. Use additional sheet of paper if necessary.)

20. CERTIFICATION

I CERTIFY that all of the statements made in this application are true, correct, and complete to the best of my knowledge and are made in good faith. I understand that any misinformation may be cause for disqualification or termination.

SIGNATURE _____ DATE _____

ACTION/VISTA APPLICANT REFERENCE LIST

GENERAL INSTRUCTIONS

1. List the names and complete mailing addresses of persons indicated below who know you well enough to give you a reference.

2. In order to speed up the processing of your application, we occasionally contact references by telephone. It would be helpful if you would list the phone numbers for your references in the space provided.

3. If possible, get in touch with your references and tell them to expect an inquiry from ACTION.

A. Name and address of current or most recent job supervisor (if you don't want this person contacted list another employer or supervisor).

NAME

ADDRESS

CITY STATE ZIP CODE

AREA CODE TELEPHONE NUMBER

B. Name and address of a personal acquaintance, may be a co-worker, clergyman, teacher, supervisor of volunteer work.

NAME

ADDRESS

CITY STATE ZIP CODE

AREA CODE TELEPHONE NUMBER

C. Name and address of someone in the community where you will be assigned (do not list prospective sponsor or supervisor).

NAME

ADDRESS

CITY STATE ZIP CODE

AREA CODE TELEPHONE NUMBER

YOUR NAME

O.M.B. No. 3001-0081
Approval Expires February 29, 1987

ACTION/VISTA SPONSOR
APPLICANT EVALUATION

Name of applicant_____ Date _____

Sponsoring Organization _____

Career Plan Eligibility Yes ☐ No ☐

1. What relevant skills or strengths can the applicant contribute to this program?

2. Is the applicant currently involved in community service?
Describe work and degree of involvement.

3. What are the applicant's weaknesses?

4. What type of supervision would the applicant need to function effectively as a volunteer?

5. Is the applicant available for service on a full-time basis? (Conflicting obligations such as full- or part-time employment or enrollment in courses not related to the volunteer assignment or career development would render the applicant unavailable for full-time service.) Yes ☐ No ☐

6. Describe the project and role to which you plan to assign this person.

7. Overall Recommendation

- ☐ I recommend the applicant without reservation as an excellent prospect for VISTA or other full-time ACTION volunteer service.
- ☐ On the whole, I would recommend the applicant as a good prospect for VSTA or other full-time ACTION volunteer service.
- ☐ I have some reservations, but I feel he/she has a reasonable chance of success in VISTA or other full-time ACTION volunteer service.
- ☐ I have substantial doubts about the applicant.
- ☐ I feel that the applicant is unsuited for full-time volunteer service.
- ☐ Other/Comments:

Signature _____
Sponsor or Project Director

I have reviewed the attached material on this ACTION/VISTA applicant and authorize final clearance.

Signature _____
State Program Officer or Director

OMB No. 3001-0081
Approval Expires February 29, 1987

ACTION/VISTA VOLUNTEER REFERENCE FORM

Name of Applicant _____ Sponsoring Organization _____

The person named above has applied to become a full-time ACTION Volunteer and has indicated that you would be able to give an evaluation of his/her qualifications. ACTION programs depend upon the quality of its volunteers and, as a result, your honest appraisal is essential to their success. Completion of this form is strictly voluntary. All information will be kept confidential. Please complete and return this form to the ACTION Sponsor as soon as possible since applications cannot be processed until references are received. In no case should it be given directly to the applicant. Thank you for your time and assistance.

Section I Knowledge of Applicant

A. During what period have you known the applicant? From _____ to _____

B. ☐ I do not know the applicant well enough to complete this form.

☐ I prefer to write a letter, which is attached.

C. In what capacity have you known this applicant? (Check as many as are appropriate.)
☐ job supervisor/employer ☐ volunteer work supervisor ☐ other (specify) _____
☐ instructor ☐ personal acquaintance/community resident

D. Please describe the situation in which you knew or know the applicant. (For example, "I was her supervisor when she was a typist in our insurance office during her summer vacation.")

Section II Rating on Work Performance

ACTION Volunteers must be able to do a job well. In your judgment, how competent is this applicant, as demonstrated by his/her work in school, on a job, or in a position of responsibility.

Check one:

5 ☐ Outstanding	Extremely competent
4 ☐ Good	Quite competent
3 ☐ Adequate	Satisfactory performance
2 ☐ Below Average	Doubtful performance
1 ☐ Poor	Incompetent

Please comment briefly on your rating choice, considering such qualities as: dependability, initiative, and ability to work with minimum supervision.

Section III Rating on Relationships With Other People

ACTION Volunteers must work with other volunteers and with people of various races, religions and backgrounds. How would you rate this applicant on relationships with other people?

Check one:

5 ☐ Outstanding	Unusually effective in relationships with others. Works well alone or in groups. Can lead or follow as the occasion demands.
4 ☐ Good	Works very well with others.
3 ☐ Average	Average in effectiveness of relationships with others for his/her age group.
2 ☐ Below Average	There is reason to believe that the applicant will have difficulties working with others. Does not make friends easily.
1 ☐ Poor	Cannot work at all with others.

Please comment briefly on the applicant's relationships with other people, considering such qualities as: understanding of other people's viewpoints and problems, ability to communicate with people of differing ages and backgrounds.

Section IV Rating on Emotional Maturity

ACTION Volunteers work under conditions of hardship and inconvenience. They must be able to adapt to difficult living conditions, different habits and other stressful circumstances. They will have to adjust their thoughts and actions to new and changing situations and different points of view. With these considerations in mind, how would you rate this applicant?

Check One:

5 ☐	Outstanding	Exceptionally mature and emotionally stable. Highly effective even in periods of stress.
4 ☐	Good	Mature and emotionally stable.
3 ☐	Average	About average in emotional stability and maturity for his/her age group.
2 ☐	Below Average	There is reason to believe that the applicant may not stand up well under moderate stress.
1 ☐	Poor	Applicant is highly unstable and completely unable to handle moderate stress.

Please comment briefly considering such qualities as : ability to work alone or under pressure, adaptability, and good judgment.

Section V Additional Comments

Please describe any notable abilities, interest, skills, training or experience of the applicant.

Please describe any reservations you have or potential weaknesses you see in the applicant.

Section VI Overall Recommendation

- ☐ I recommend the applicant without reservation as an excellent prospect for VISTA or other full-time ACTION volunteer service.
- ☐ On the whole, I would recommend the applicant as a good prospect for VISTA or other full-time ACTION volunteer service.
- ☐ I have some reservations, but I feel he/she has a reasonable chance of success.
- ☐ I have substantial doubts about the applicant.
- ☐ I feel that the applicant is unsuited for VISTA or other full-time ACTION volunteer service.
- ☐ Other/Comments:

SIGNATURE AND TITLE DATE

APPLICANT: DO NOT REMOVE THIS SHEET

REQUEST FOR RACIAL AND ETHNIC DATA

The information requested on this page is not part of the regular application form. It is requested solely for the purpose of determining compliance with federal civil rights law. Your response will not affect consideration of your application. By providing this information you will assist us in assuring that this program is administered in a nondiscriminatory manner.

Completion of this form is voluntary; failure to respond will in no way affect our review of your application.

The information requested on this detachable section is covered by the provisions of the Privacy Act as stated on the inside cover of the application to which it is attached.

Instructions: please categorize yourself by placing an "x" next to the proper category.

☐ Black, not of Hispanic origin (a person having origins in any of the Black racial groups of Africa) (1)

☐ Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race) (2)

☐ American Indian or Alaskan Native (a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition) (3)

☐ Asian or Pacific Islander (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands and Samoa (4)

☐ White not of Hispanic origins (having origins in any of the original peoples of Europe, North Africa, or the Middle East). (7)

☐ I prefer not to respond. (8)

SOCIAL SECURITY NUMBER ☐☐☐ ☐☐ ☐☐☐☐

IMPORTANT

INSTRUCTION TO ACTION EMPLOYEE: DETACH THIS PAGE IMMEDIATELY AFTER ENTRY TO CODING FORM AND FORWARD SEPARATELY TO ACTION OFFICE OF COMPLIANCE, DIVISION OF EQUAL OPPORTUNITY.

OMB Approved No. 3001-0081
Expires February 29, 1987

APPENDIX IV

Medical History and Medical Release Forms

STANDARD FORM 93
REV. OCTOBER 1974
GSA FPMR 101-11.8

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APPROVED
OFFICE OF MANAGEMENT AND BUDGET No. 29-R0191

REPORT OF MEDICAL HISTORY

(THIS INFORMATION IS FOR OFFICIAL AND MEDICALLY-CONFIDENTIAL USE ONLY AND WILL NOT BE RELEASED TO UNAUTHORIZED PERSONS)

1. LAST NAME—FIRST NAME—MIDDLE NAME		2. SOCIAL SECURITY OR IDENTIFICATION NO.
3. HOME ADDRESS (No. street or RFD, city or town, State, and ZIP CODE)		4. POSITION (title, grade, component)
5. PURPOSE OF EXAMINATION	6. DATE OF EXAMINATION	7. EXAMINING FACILITY OR EXAMINER, AND ADDRESS (Include ZIP Code)

8. STATEMENT OF EXAMINEE'S PRESENT HEALTH AND MEDICATIONS CURRENTLY USED (Follow by description of past history, if complaint exists)

9. HAVE YOU EVER (Please check each item)

YES	NO	(Check each item)
		Lived with anyone who had tuberculosis
		Coughed up blood
		Bled excessively after injury or tooth extraction
		Attempted suicide
		Been a sleepwalker

10. DO YOU (Please check each item)

YES	NO	(Check each item)
		Wear glasses or contact lenses
		Have vision in both eyes
		Wear a hearing aid
		Stutter or stammer habitually
		Wear a brace or back support

11. HAVE YOU EVER HAD OR HAVE YOU NOW (Please check at left of each item)

YES	NO	DON'T KNOW	(Check each item)
			Scarlet fever, erysipelas
			Rheumatic fever
			Swollen or painful joints
			Frequent or severe headache
			Dizziness or fainting spells
			Eye trouble
			Ear, nose, or throat trouble
			Hearing loss
			Chronic or frequent colds
			Severe tooth or gum trouble
			Sinusitis
			Hay Fever
			Head injury
			Skin diseases
			Thyroid trouble
			Tuberculosis
			Asthma
			Shortness of breath
			Pain or pressure in chest
			Chronic cough
			Palpitation or pounding heart
			Heart trouble
			High or low blood pressure

YES	NO	DON'T KNOW	(Check each item)
			Cramps in your legs
			Frequent indigestion
			Stomach, liver, or intestinal trouble
			Gall bladder trouble or gallstones
			Jaundice or hepatitis
			Adverse reaction to serum, drug, or medicine
			Broken bones
			Tumor, growth, cyst, cancer
			Rupture/hernia
			Piles or rectal disease
			Frequent or painful urination
			Bed wetting since age 12
			Kidney stone or blood in urine
			Sugar or albumin in urine
			VD—Syphilis, gonorrhea, etc.
			Recent gain or loss of weight
			Arthritis, Rheumatism, or Bursitis
			Bone, joint or other deformity
			Lameness
			Loss of finger or toe
			Painful or "trick" shoulder or elbow
			Recurrent back pain

YES	NO	DON'T KNOW	(Check each item)
			"Trick" or locked knee
			Foot trouble
			Neuritis
			Paralysis (include infantile)
			Epilepsy or fits
			Car, train, sea or air sickness
			Frequent trouble sleeping
			Depression or excessive worry
			Loss of memory or amnesia
			Nervous trouble of any sort
			Periods of unconsciousness

12. FEMALES ONLY: HAVE YOU EVER

			Been treated for a female disorder
			Had a change in menstrual pattern

13. WHAT IS YOUR USUAL OCCUPATION?

14. ARE YOU (Check one)
☐ Right handed ☐ Left handed

93-102

YES	NO	CHECK EACH ITEM YES OR NO. EVERY ITEM CHECKED YES MUST BE FULLY EXPLAINED IN BLANK SPACE ON RIGHT	
		15. Have you been refused employment or been unable to hold a job or stay in school because of: A. Sensitivity to chemicals, dust, sunlight, etc.	
		B. Inability to perform certain motions.	
		C. Inability to assume certain positions.	
		D. Other medical reasons (*If yes, give reasons.*)	
		16. Have you ever been treated for a mental condition? (*If yes, specify when, where, and give details.*)	
		17. Have you ever been denied life insurance? (*If yes, state reason and give details.*)	
		18. Have you had, or have you been advised to have, any operations? (*If yes, describe and give age at which occurred.*)	
		19. Have you ever been a patient in any type of hospitals? (*If yes, specify when, where, why, and name of doctor and complete address of hospital.*)	
		20. Have you ever had any illness or injury other than those already noted? (*If yes, specify when, where, and give details.*)	
		21. Have you consulted or been treated by clinics, physicians, healers, or other practitioners within the past 5 years for other than minor illnesses? (*If yes, give complete address of doctor, hospital, clinic, and details.*)	
		22. Have you ever been rejected for military service because of physical, mental, or other reasons? (*If yes, give date and reason for rejection.*)	
		23. Have you ever been discharged from military service because of physical, mental, or other reasons? (*If yes, give date, reason, and type of discharge: whether honorable, other than honorable, for unfitness or unsuitability.*)	
		24. Have you ever received, is there pending, or have you applied for pension or compensation for existing disability? (*If yes, specify what kind, granted by whom, and what amount, when, why.*)	

I certify that I have reviewed the foregoing information supplied by me and that it is true and complete to the best of my knowledge.
I authorize any of the doctors, hospitals, or clinics mentioned above to furnish the Government a complete transcript of my medical record for purposes of processing my application for this employment or service.

TYPED OR PRINTED NAME OF EXAMINEE	SIGNATURE

NOTE: HAND TO THE DOCTOR OR NURSE, OR IF MAILED MARK ENVELOPE "TO BE OPENED BY MEDICAL OFFICER ONLY."

25. Physician's summary and elaboration of all pertinent data (*Physician shall comment on all positive answers in items 9 through 24. Physician may develop by interview any additional medical history he deems important, and record any significant findings here.*)

TYPED OR PRINTED NAME OF PHYSICIAN OR EXAMINER	DATE	SIGNATURE	NUMBER OF ATTACHED SHEETS

REVERSE OF STANDARD FORM 93

BEST COPY AVAILABLE

ACTION MEDICAL RELEASE

The undersigned authorizes any physician, hospital, or other medical institution or practitioner who may have examined or treated *(Name of Volunteer or Applicant)*_____to release to the medical staff of ACTION the information, reports, or results of the volunteer's medical examinations, care, or treatment heretofore administered, or hereafter provided during ACTION service.

SIGNATURE OF VOLUNTEER	DATE
SIGNATURE OF PARENT OR GUARDIAN *(If Volunteer is under 21 years of age)*	DATE

ACTION Form A-878 (9-77) Formerly V-97

APPENDIX V

Designation of Beneficiary Form

BEST COPY AVAILAB!

DESIGNATION OF BENEFICIARY OR WAIVER
FOR ACTION LIFE INSURANCE

(Please read instructions on back of form. Fill out two copies and return to the Volunteer Support Officer in your region.)
[The volunteer must complete either Section I. or Section II.]

NAME OF VOLUNTEER–Please Print in Ink or Type | Soc. Sec. # | Birth Date

(Last) *(First)* *(Middle)*

SECTION I. DESIGNATION OF BENEFICIARY OR CHANGE OF BENEFICIARY *(Check one)*:

( ) *I desire to subscribe to the ACTION Life Insurance and designate the beneficiary or beneficiaries named below to receive any amount of benefits due under this policy.*

( ) *I hereby cancel any designations of beneficiary previously executed by me under the ACTION Life Insurance Policy and designate the beneficiary or beneficiaries named below to receive any amount of benefits due under the policy. I hereby specifically reserve the right to change the designation of beneficiary at any time without knowledge or consent of the beneficiary.*

Given name, middle initial, and last name of each beneficiary. *(If beneficiary is not a relative, please show address.)*	Relationship	Percentage To Be Paid

(Date)

(Signature of Volunteer)

(Address)

AGENCY USE ONLY: Date Rec'd _____ Initials _____

SECTION II. WAIVER OF COVERAGE
ACTION LIFE INSURANCE

NAME OF VOLUNTEER–Please Print in Ink or Type | Soc. Sec. # | Birth Date

(Last) *(First)* *(Middle)*

I hereby waive coverage under the ACTION Life Insurance. I understand that in waiving this insurance, I am not eligible to subscribe to the policy at a later date (unless I arrange for a physical examination at my own expense and am accepted as healthy by the insurer).

(Date)

(Signature of Volunteer)

(Address)

(City) *(State)* *(Zip Code)*

(Please return to Volunteer Support Officer in your region).

ACTION Form A-582 (10/76) Forms A-582 (Rev. 12/74), A-583 & A-584 are rescinded and will not be used.)

DESIGNATION OF BENEFICIARY OR WAIVER FOR ACTION LIFE INSURANCE

[The volunteer must complete either Section I or Section II]

GENERAL INFORMATION

From the time you begin ACTION training you are automatically covered by a $10,000 life insurance policy if you are under age 60, $5,000 if you are 60-69, or $2,500 if you are 70 or older, unless you execute a waiver. This is a convertible policy. This policy is issued by the Northwestern National Life Insurance Company and will cost you $21.00 per year. Premiums will be paid by the deduction of $.81 per bi-weekly period, $1.75 if paid monthly from your living allowance.

This coverage terminates 31 days after the date of your service termination. During those 31 days you may convert to an individual policy without a medical examination. The necessary forms may be obtained from your regional office.

A designation of beneficiary may be changed at any time, and you may cancel the insurance at any time by preparing a waiver; *however, if you waive the insurance you cannot subsequently be covered during your current service in ACTION,* unless you undergo a physical examination, at your own expense and are accepted by the company.

This insurance provides excellent protection at very low cost, and you are urged to take advantage of it.

Section I is used to subscribe to the insurance and designate a beneficiary or beneficiaries; Section II is used to waive the insurance coverage. *In either case, the appropriate section must be prepared; all entries except signatures must be typed or printed in ink; the form must be free of erasures and alterations.* A copy of the completed form, with the "Certificate of Coverage" if the insurance is not waived, will be returned to you for your records.

The Waiver of Coverage section is self-explanatory.

If you elect to take the insurance coverage, the section showing your designations of beneficiary should be carefully completed to insure that there will be no misunderstanding of your intent. You may designate any beneficiary except ACTION. If any person you designate as a beneficiary is a married woman, show her given name. If any person you designate a beneficiary is not a relative, show his mailing address. Please review the following illustrations before you complete the form:

1. For one beneficiary: Mary R. Brown—My Mother—100%

2. For two beneficiaries, equally or unequally:

   Mary R. Brown—My Mother—50%
   Frank H. Brown—My Father—50%

   In the event of the death of either beneficiary, if you desire the share of that beneficiary to go to the other, add the phrase *"and to the survivor of them."* If this phrase is not included, the share of the deceased beneficiary will be paid to your survivors in order of precedence as specified in the Certificate of Coverage, i.e., widow(er), children, parents, executors, etc.

Note: If you use the word "survivor" in your remarks, that survivor must be shown by name among the designated beneficiaries.

3. *For more than two beneficiaries, equally or unequally:*

   Mary R. Brown—My Mother—40%
   Frank H. Brown—My Father—30%
   Ann Brown—My Sister—30%

   In the event of the death of any of the named beneficiaries, if you desire the share of that beneficiary to be divided among the surviving beneficiaries, add the following phrase: *"And in the event of the death of any said beneficiary, the share which such deceased would otherwise have taken shall be paid in equal shares to the survivors of them."* Otherwise, the share of any deceased beneficiary will be paid in order of precedence specified in Certificate of Coverage.

4. *Successive Beneficiary:*

   Mary R. Brown—My Mother—100%—if living;
   otherwise to Frank H. Brown—My Father.

   Or: Mary R. Brown—My Mother—100%—if living;
   otherwise to Frank H. Brown—My Father—50%
   Ann Brown—My Sister—50%

If appropriate as explained above, add the phrase *"And to the survivor of them."*

5. *Estate as Beneficiary:* Use *"My Executors or Administrators,"* rather than "Estate."

6. *Naming an Institution:* Be sure to show the exact name of the institution (especially if it is an incorporated institution) and give its location.

In the event there is no valid designation of beneficiary on file, any death benefit due will be paid to survivors in the order of precedence shown on the Certificate of Coverage issued to each Volunteer having the insurance.

PRIVACY ACT NOTICE

Designation of Beneficiary or Waiver for ACTION Life Insurance—Form A-582

1. This notice is issued under the authority of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et. seq.).
2. The information requested herein will be used to determine and make a record of the volunteer's selection of life insurance, designation of beneficiaries, waiver of coverage of life insurance, provide for the deduction of premium costs from the volunteer's living allowance. Some of the information will be retained after the volunteer's service as a part of his or her personnel record.
3. The information on this form may be disclosed as a routine use for the following purposes:
   a. To the life insurance carrier to issue a policy and maintain the necessary records.
   b. To law enforcement officials in the event any records indicate a civil, criminal or regulatory violation of law provided, however, that such disclosure will be subject to safeguards as published in ACTION's "Statement of General Routine Uses" in 40 FR 2114.
   c. To appropriately designated officers or employees of other agencies or departments of the Federal government in connection with loyalty or security investigations or clearances, authorized by law or executive orders. Except with respect to such authorized loyalty or security clearances, information provided to other Federal agencies shall be limited to the provision of dates of service and a standard description of service as contained in the volunteer's file.
   d. To a court magistrate or administrative tribunal having appropriate jurisdiction in a matter in which the information is germane.
   e. To a congressional office which indicates that it has received a request for such information from the individual who is the subject of the record.
   f. As a data source for management information or statistical and analytical studies in situations in which the identity of the subject of the records is not disclosed.
4. Failure to provide the information herein requested may result in inability of the Agency to provide the volunteer with life insurance.

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APPENDIX VI

W-4 (Exemption From Withholding of Federal Income Tax)

Form **W-4** (Rev. January 1984)

Department of the Treasury—Internal Revenue Service

Employee's Withholding Allowance Certificate

OMB No. 1545-0010

1 Type or print your full name

2 Your social security number

Home address (number and street or rural route)

City or town, State, and ZIP code

3 Marital Status ☐ Single ☐ Married ☐ Married, but withhold at higher Single rate

Note: If married, but legally separated, or spouse is a nonresident alien, check the Single box.

4 Total number of allowances you are claiming (from line F of the worksheet on page 2) . . . . . .

5 Additional amount, if any, you want deducted from each pay . . . . . $

6 I claim exemption from withholding because (see instructions and check boxes below that apply):

a ☐ Last year I did not owe any Federal income tax and had a right to a full refund of **ALL** income tax withheld, **AND**

b ☐ This year I do not expect to owe any Federal income tax and expect to have a right to a full refund of **ALL** income tax withheld. If both a and b apply, enter the year effective and "EXEMPT" here . . . ▶ Year

c If you entered "EXEMPT" on line 6b, are you a full-time student? . . . . . ☐ Yes ☐ No

Under penalties of perjury, I certify that I am entitled to the number of withholding allowances claimed on this certificate, or if claiming exemption from withholding, that I am entitled to claim the exempt status.

Employee's signature ▶ Date ▶ , 19

7 Employer's name and address **(Employer: Complete 7, 8, and 9 only if sending to IRS)**

8 Office code

9 Employer identification number

Detach along this line. Give the top part of this form to employer; keep the lower part for your records.

Privacy Act and Paperwork Reduction Act Notice.—If you do not give your employer a certificate, you will be treated as a single person with no withholding allowances as required by law. We ask for this information to carry out the Internal Revenue laws of the United States. We may give the information to the Dept. of Justice for civil or criminal litigation and to the States and the District of Columbia for use in administering their tax laws.

Purpose.—The law requires that you complete Form W-4 so that your employer can withhold Federal income tax from your pay. Your Form W-4 remains in effect until you change it or, if you entered "EXEMPT" on line 6b above, until February 15 of next year. By correctly completing this form, you can fit the amount of tax withheld from your wages to your tax liability.

If you got a large refund last year, you may be having too much tax withheld. If so, you may want to increase the number of your allowances on line 4 by claiming any other allowances you are entitled to. The kinds of allowances, and how to figure them, are explained in detail below.

If you owed a large amount of tax last year, you may not be having enough tax withheld. If so, you can claim fewer allowances on line 4, or ask that an additional amount be withheld on line 5, or both.

If the number of withholding allowances you are entitled to claim decreases to less than you are now claiming, you must file a new W-4 with your employer within 10 days.

The instructions below explain how to fill in Form W-4. **Publication 505,** Tax Withholding and Estimated Tax, contains more information on withholding. You can get it from most IRS offices.

For more information about who qualifies as your dependent, what deductions you can take, and what tax credits you qualify for, see the Form 1040 instructions.

You may be fined $500 if you file, with no reasonable basis, a W-4 that results in less tax being withheld than is properly allowable. In addition, criminal penalties apply for willfully supplying false or fraudulent information or failing to supply information requiring an increase in withholding.

Line-By-Line Instructions

Fill in the identifying information in Boxes 1 and 2. If you are married and want tax withheld at the regular rate for married persons, check "Married" in Box 3. If you are married and want tax withheld at the higher Single rate (because both you and your spouse work, for example), check "Married, but withhold at higher Single rate" in Box 3.

Line 4 of Form W-4

Total number of allowances.—Use the worksheet on page 2 to figure your allowances. Add the number of allowances for each category explained below. Enter the total on line 4.

If you are single and hold more than one job, you may not claim the same allowances with more than one employer at the same time. If you are married and both you and your spouse are employed, you may not both claim the same allowances with both of your employers at the same time. To have the highest amount of tax withheld, claim "0" allowances on line 4.

A. Personal allowances.—You can claim the following personal allowances:

1 for yourself, 1 if you are 65 or older, and 1 if you are blind.

If you are married and your spouse either does not work or is not claiming his or her allowances on a separate W-4, you may also claim the following allowances: 1 for your spouse, 1 if your spouse is 65 or older, and 1 if your spouse is blind.

B. Special withholding allowance.—Claim the special withholding allowance if you are single and have one job or you are married, have one job, and your spouse does not work. You may still claim this allowance so long as the total wages earned on other jobs by you or your spouse (or both) is 10% or less of the combined total wages. Use this special withholding allowance only to figure your withholding. Do not claim it when you file your return.

C. Allowances for dependents.—You may claim one allowance for each dependent you will be able to claim on your Federal income tax return.

***Note:** If you are not claiming any deductions or credits, skip D and E, add lines A, B, and C, enter the total on line F and carry the total over to line 4 of W-4.*

Before you claim allowances under D and E, total your non-wage taxable income (interest, dividends, self-employment income, etc.) and subtract this amount from estimated deductions you would otherwise enter in D1. If your non-wage income is greater than the amount of estimated deductions, you cannot claim any allowances under D. Moreover, you should take one-third of the excess (non-wage income over estimated deductions) and add this to the appropriate "A" value in Table 1 if determining allowances under E.

D. Allowances for estimated deductions.—If you expect to itemize deductions, you can claim additional withholding allowances. See Schedule A (Form 1040) for deductions you can itemize.

You can also count deductible amounts you pay for (1) alimony (2) qualified retirement contributions including IRA and Keogh (H.R. 10) plans (3) moving expenses (4) employee business expenses (Part I of Form 2106) (5) the deduction for a married couple when both work (6) net losses shown on Schedules C, D, E, and F (Form 1040), the last line of Part II of Form 4797, and the net operating loss carryover (7) penalty on early withdrawal of savings and (8) charitable contributions for nonitemizers. **Note:** Check with your employer to see if any tax is being withheld on moving expenses or IRA contributions. Do not include these amounts if tax is not being withheld; otherwise, you may be underwithheld. For details, see **Publication 505.**

The deduction allowed a married couple when both work is 10% of the lesser of $30,000 or the qualified earned income of the spouse with the lower income.

Once you have determined these deductions, enter the total on line D1 of the worksheet on page 2 and figure the number of withholding allowances for them.

E. Allowances for tax credits.—If you expect to take credits like those shown on lines 41 through 48 on the 1983 Form 1040 (child care, residential energy, etc.), use the table on the top of page 2 to figure the number of additional allowances you can claim. You may estimate these credits. Include the earned income credit if you are not receiving advance payment of it, and any excess social security tax withheld. Also, if you expect to income average, include the amount of the reduction in tax because of averaging when using the table.

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Line 5 of Form W-4

Additional amount, if any, you want deducted from each pay.—If you are not having enough tax withheld from your pay, you may ask your employer to withhold more by filling in an additional amount on line 5. Often, married couples, both of whom are working, and persons with two or more jobs need to have additional tax withheld. You may also need to have additional tax withheld because you have income other than wages, such as interest and dividends, capital gains, rents, alimony received, taxable social security benefits, etc. Estimate the amount you will be underwithheld and divide that amount by the number of pay periods in the year. Enter the additional amount you want withheld each pay period on line 5.

Line 6 of Form W-4

Exemption from withholding.—You can claim exemption from withholding only if last year you did not owe any Federal income tax and had a right to a refund of all income tax withheld, **and** this year you do not expect to owe any Federal income tax and expect to have a right to a refund of all income tax withheld. If you qualify, check Boxes 6a and b, write the year exempt status is effective and "EXEMPT" on line 6b, and answer Yes or No to the question on line 6c.

If you want to claim exemption from withholding next year, you must file a new W-4 with your employer on or before February 15 of next year. If you are not having Federal income tax withheld this year, but expect to have a tax liability next year, the law requires you to give your employer a new W-4 by December 1 of this year. If you are covered by social security, your employer must withhold social security tax.

Your employer must send to IRS any W-4 claiming more than 14 withholding allowances or claiming exemption from withholding if the wages are expected to usually exceed $200 a week. The employer is to complete Boxes 7, 8, and 9 only on copies of the W-4 sent to IRS.

Table 1—For Figuring Your Withholding Allowances For Estimated Tax Credits and Income Averaging (Line E)

Estimated Salaries and Wages from All sources	Single Employees		Head of Household Employees		Married Employees (When Spouse not Employed)		Married Employees (When Both Spouses are Employed)	
	(A)	(B)	(A)	(B)	(A)	(B)	(A)	(B)
Under $15,000	$ 90	$150	$ 30	$150	$ 50	$120	$ 0	$120
15,000-25,000	120	250	0	250	70	170	310	170
25,001-35,000	190	300	0	300	130	250	800	220
35,001-45,000	250	370	0	370	170	320	1,500	250
45,001-55,000	690	370	0	370	230	340	2,210	330
55,001-65,000	1,470	370	220	370	310	370	3,020	330
Over 65,000	2,460	370	920	370	680	370	3,400	370

Worksheet to Figure Your Withholding Allowances to be Entered on Line 4 of Form W-4

A Personal allowances . . . . . ▶ **A**

B Special withholding allowance (not to exceed 1 allowance—see instructions on page 1) . . . . . ▶ **B**

C Allowances for dependents . . . . . ▶ **C**

If you are not claiming any deductions or credits, skip lines D and E.

D Allowances for estimated deductions:

1 Enter the total amount of your estimated itemized deductions, alimony payments, qualified retirement contributions including IRA and Keogh (H.R. 10) plans, deduction for a married couple when both work, business losses including net operating loss carryovers, moving expenses, employee business expenses, penalty on early withdrawal of savings, and charitable contributions for nonitemizers for the year . . . . . ▶ 1 $

2 If you do not plan to itemize deductions, enter $500 on line D2. If you plan to itemize, find your total estimated salaries and wages amount in the left column of the table below. (Include salaries and wages of both spouses.) Read across to the right and find the amount from the column that applies to you. Enter that amount on line D2. . . . . ▶ 2 $

Estimated salaries and wages from all sources	Single and Head of Household Employees (only one job)	Married Employees (one spouse working and one job only)	Employees with more than one job or Married Employees with both spouses working[1]
Under $15,000	$2,800	$3,900	40% of estimated salaries and wages
15,000-35,000	2,800	3,900	23% of estimated salaries and wages
35,001-50,000	8% of estimated salaries and wages	3,900	20% of estimated salaries and wages
Over $50,000	10% of estimated salaries and wages	7% of estimated salaries and wages	18% of estimated salaries and wages

3 Subtract line D2 from line D1 (But not less than zero) . . . . . ▶ 3 $

4 Divide the amount on line D3 by $1,000 (increase any fraction to the next whole number). Enter here . . . ▶ **D**

E Allowances for tax credits and income averaging: use Table 1 above for figuring withholding allowances

1 Enter tax credits, excess social security tax withheld, and tax reduction from income averaging $

2 Enter the column (A) amount from Table 1 for your salary range and filing status (single, etc.). However, enter 0 if you claim 1 or more allowances on line D4 . . . . . $

3 Subtract line 2 from line 1 (If zero or less, do not complete lines 4 and 5) . . . . . $

4 Find the column (B) amount from Table 1 for your salary range and filing status . . . . . $

5 Divide line 3 by line 4. Increase any fraction to the next whole number. This is the maximum number of withholding allowances for tax credits and income averaging. Enter here . . . . . ▶ **E**

Example: A taxpayer who expects to file a Federal income tax return as a single person estimates annual wages of $12,000 and tax credits of $650. The $12,000 falls in the wage bracket of under $15,000. The value in column (A) is 90. Subtracting this from the estimated credits of 650 leaves 560. The value in column (B) is 150. Dividing 560 by 150 gives 3.7. Since any fraction is increased to the next whole number, show 4 on line E.

F Total (add lines A through E). Enter total here and on line 4 of Form W-4 . . . . . ▶ **F**

[1] If you earn 10% or less of your total wages from other jobs or one spouse earns 10% or less of the couple's combined total wages, you can use the "Single and Head of Household Employees (only one job)" or "Married Employees (one spouse working and one job only)" table, whichever is appropriate.

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APPENDIX VII

W-5 (Earned Income Credit)

Form W-5 (1983) Earned Income Credit Advance Payment Certificate

For "Privacy Act" notice see back of form.

Instructions

If you expect your **1983** adjusted gross income to be less than $10,000, you may be eligible for the earned income credit. Please read these instructions carefully. (**Note:** Your **1982** adjusted gross income was reported on Form 1040A, line 12, Form 1040EZ, line 3, or on Form 1040, line 32.)

What Does the Earned Income Credit Do?.—It can provide payments of up to $500 to taxpayers who have incomes under $10,000 and who have children living with them. If you are eligible for the credit, you can get it even if you owe no tax.

Who Can Take the Earned Income Credit?.—The checklist below will help you find out if you may be eligible for the credit. If you answer "**Yes**" to **each** question, you may be eligible for the credit. If you answer "**No**" to **any** question on the checklist, you are not eligible for the credit and should not fill in the certificate.

Advance Payment of the Earned Income Credit.—If you are eligible, you can choose to get the credit in advance with your pay instead of waiting until you file your tax return. You will get the credit on your annual tax return even if you do not complete this form.

To receive the credit in advance with your pay, fill in the bottom part of this form and give it to your employer. You may have only one certificate in effect with a current employer at one time. If you and your spouse are both employed, each of you should file a separate Form W–5.

If Your Status Changes.—If you file this form with your present employer and your status changes during 1983, you usually will have to fill out a new certificate.

If your status changes so that any answer in the earned income credit checklist becomes "No," or if you no longer want to receive advance payments, you must file a new certificate. Check the "No" box in question 1 on the new certificate to show that you are not qualified or no longer want to get advance payments.

If your status changes because your spouse files a certificate with his or her employer, you must file a new certificate with your employer showing in question 2 that your spouse has filed.

Additional information.—If you receive advance payments, you must file Form 1040 or Form 1040A for 1983.

If you receive advance payment of the earned income credit and later find out that you are not eligible, you will have to pay it back when you file your annual tax return.

If you are married and both you and your spouse are working, you should both review the Forms W–4, Employee's Withholding Allowance Certificate, you have on file with your employers to make sure that enough tax is being withheld.

This Form W–5 certificate expires on December 31, 1983. If you expect to qualify for the earned income credit in 1984, you must file a new certificate for 1984.

Earned Income Credit Checklist

To find out if you may be eligible for the earned income credit, please answer the questions below for 1983.	Yes	No
A Do you expect the amount of your "Adjusted Gross Income" (including that of your spouse) to be less than $10,000?		
B Do you expect at least one of your children to live with you in the U.S. for all of 1983 except when he or she is away at school or on vacation?*		
C Check and answer either (1) or (2) below, whichever applies.		
(1) ☐ Married. Do you expect to file a joint return?		
(2) ☐ Not married. Do you expect to pay at least half the cost of keeping up a household this year?**		
D Do you expect all your earned income to be from sources inside the United States and not eligible for exclusion or exemption as foreign income or income from U.S. possessions?		
E Do you expect to claim an exemption for a child who will live with you, OR do you expect to qualify as head of household because of an unmarried child who cannot be taken as an exemption? (If either answer is yes, check "Yes.")		

*The term child includes: Your son or daughter, your stepchild, adopted child, or a child placed with you by an authorized placement agency for legal adoption (even if the child becomes your stepchild or adopted child, or is placed with you, during the year); OR any other child you care for as your own child for the whole year, unless the child's natural or adoptive parents provide more than half of the support for that year.

**If you receive payments under the Aid to Families with Dependent Children (AFDC) program and use them to pay part of the cost of keeping up this home, you may not count these amounts as furnished by you.

▼ *Give the lower part of this form to your employer; keep the top part for your records* ▼

Detach along this line

Form **W-5**

Department of the Treasury
Internal Revenue Service

Earned Income Credit Advance Payment Certificate

This Certificate Expires on December 31, 1983.

1983

Type or print your full name

Your social security number

Home address (number and street or rural route)

City or town, State, and ZIP code

Note: *If you file Form W–5 with an employer to receive advance payments of the earned income credit for 1983, you must file Form 1040 or Form 1040A for 1983. If married, you must file a joint return.*

	Yes	No
1 I expect to be eligible for the earned income credit for 1983, I have no other certificate in effect with any other current employer, and I choose to receive advance payment of the earned income credit		
2 If you are not married, check "No," OR If you are married, does your spouse have a certificate in effect for 1983 with any employer?		

Under penalties of perjury, I declare that the information I have furnished above, to the best of my knowledge, is true, correct, and complete.

Signature ▶

Date ▶

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The following information is provided under the Privacy Act of 1974:

Internal Revenue Code section 3507 and its regulations say that you must fill out an earned income credit advance payment certificate and give it to your employer if you want the advance payment. Section 6109 and its regulations say that you must show your social security number on what you file.

The main purpose in asking for this certificate is to pay the advance earned income credit. This information may also be given to the Department of Justice and other Federal agencies, as provided by law.

If you don't fill out a signed earned income credit advance payment certificate, you will not receive an advance payment. But if you are eligible and don't complete Form W–5, you will still get the credit on your tax return.

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APPENDIX VIII

V-14 (Domestic Volunteer Payroll Notice)

DOMESTIC VOLUNTEER PAYROLL NOTICE

Social Security Number (1-9)	Last Name (10-13)	First Name	Middle Initial	Effective Date of Action (14-19)		
				Mon	Day	Year

NATURE OF ACTION

A – ☐ Entered Training
B – ☐ Project Placement (after training)
C – ☐ Project Placement (training waived)
D – ☐ Reinstatement (Previous termination date _____)
E – ☐ Project Transfer
F – ☐ Reenrollment - same project
G – ☐ Reenrollment - new project
H – ☐ Extension - same project
I – ☐ Extension - new project
J – ☐ COS Termination
K – ☐ Early Termination
L – ☐ Into Hold
M – ☐ Out of Hold
N – ☐ Other

20

STATUS CHANGES

Training Class (21-26)	Project Number (27-34)	Termination Date (35-40)			Last Name (41-53)	First Name (54-63)	Mid. Init. (64)	Social Security Number (65-73)
		Mon	Day	Year				

Volunteer Type 74
1 – ☐ VISTA
2 – ☐ UYA
3 – ☐ Cost-Sharing
4 – ☐ Other (specify) _____

Volunteer Category 75
1 – ☐ NRV
2 – ☐ LRV
3 – ☐ Associate

Volunteer Leader 76
1 – ☐ appointment initiated
2 – ☐ appointment ended

Status Code (77-79)

Cost Sharing Program | **Code** (81-83)

Type (specify)

Field Address

Note: For termination documents, this space should be used to indicate the address to which the final check should be mailed

Care of (84-107)

Number and Street (108-135)	City or Town (136-155)	State (156-157)	Zip Code (158-162)

FINANCIAL ACTIONS

Adjustment Allowance (163-167)	Food & Lodging Allowance (168-172)	For use with HOLD actions only		Other Allowances			Advances		
		Stipend Accrual (173-177)	Living Allowance (178-182)	Code (183-185)	Amount (186-190)	–	Amount (194-198)	–	Form of Advance ☐ Treasury Check ☐ Imprest Fund ☐ Other

Life Insurance 199	W-4 Information			Accounting Information		DO/MIS Use Only	Mod B Action	Special Processing	DO/MIS Use Only
	Status 200	Number of Exemptions (201-202)	Additional Dollar Amt. (203-204)	Organization Code (205-209)	Purpose Code (210-211)	(212)	(213)	(214)	(215)
1 – ☐ covered	1 – ☐ single					C – ☐	X – ☐ Yes	C – ☐ CMF Only	
2 – ☐ waived	2 – ☐ married					N – ☐		P – ☐ Payroll Only	

Date of Birth (216-221) | mon | day | year | Sex (222) | 1 ☐ male | 2 ☐ female

Signature of Program Director	Date	REMARKS
Signature of Authorizing Officer	Date	

ACTION Form V-14 (Rev. 3-75)

APPENDIX IX

Earning Statement (ACTION Form A-594)

DOMESTIC VOLUNTEER EARNINGS STATEMENT

VOLUNTEER NAME	SOCIAL SECURITY NUMBER	REGION NUMBER	TAX EXEMPTIONS	PAY PERIOD BEGINNING	PAY PERIOD ENDING	PAY DATE
			FED	MO DAY YR	MO DAY YR	MO DAY YR

YOU ARE BEING PAID			WE ARE DEDUCTING			TOTAL PAYMENTS	
	CURRENT	YEAR TO DATE	DEDUCTION	CURRENT	YEAR TO DATE	TOTAL DEDUCTIONS	
FOOD & LODGING			FEDERAL TAX			NET PAY	
LIVING			FICA TAX			OVERPAYMENTS YET TO BE COLLECTED	
ADJUSTMENT			LIFE INS				
LEAVE			ADVANCES			STIPEND INFORMATION	
REENROLLMENT			OVERPAY			CURRENT	TOTAL
EXTENSION			ALLOT 1			ACCRUED	
STIPEND			ALLOT 2			PAID	
TNG LIVING						BALANCE	
						LEAVE INFORMATION	
						CURRENT	TOTAL
						EARNED	
						PAID	
						BALANCE	
TOTAL			TOTAL				

ACTION FORM A - 594 (4/74)

EXPLANATORY NOTES

1. TAX EXEMPTIONS: S indicates single, M indicates married followed by the number of exemptions. Additional amounts authorized to be withheld are shown after the number of exemptions. Example; SO + $10 indicates zero exemptions for a single person, plus an additional $10. Any changes in tax exemptions must be requested on Employee's Withholding Exemption Certificate W-4.

2. TRAINING LIVING ALLOWANCE: This is the allowance of $1.00 per day earned during training. It is only added to your gross when you complete training. It is then reflected in your earnings and in withheld tax. The amount of Training Living Allowance advanced in training is shown in the advances section of the deductions.

3. LEAVE INFORMATION: You are paid your leave in full at the end of the fourth month of service. You actually begin earning it at $10.00 per month at the beginning of the fourth month and $10.00 is reflected in the current earned section at the end of each 30 day period until you have earned the full $70.00. The balance is the difference between what you have been paid and what you have earned. The information shown in this section is for your current year of enrollment only.

4. ADVANCES: Advances given you while in training or as a volunteer by the Regional Office and by ACTION Payroll are reflected in this section and they are all collected at the time they are input to ACTION Payroll if there are sufficient funds available due you.

5. OVERPAYMENTS YET TO BE COLLECTED: This section shows the total of all overpayments either as the result of an advance, which was not totally collected at the time because of insufficient funds, or because of a change in allowances. Your overpayments are collected at the rate of $10.00 per pay period until liquidated. If you should complete your service before all overpayments are liquidated then the balance due will be deducted from your final Stipend check. Collection of Food & Lodging or Living Allowance overpayments reduces the amount you are being currently paid of that allowance by $10.00. Collection of all other overpayments whether allowances or advances are shown in the Deduction section under overpayments.

   Example: Overpayment in Food & Lodging totals $100.00. Normal Bi-weekly rate is $125.00. $10.00 is deducted currently reducing your gross F&L to $115.00 and the remaining overpayment to $90.00.

APPENDIX X

Transportation Forms

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FIGURE 12

OPERATOR'S REPORT OF MOTOR-VEHICLE ACCIDENT

THIS FORM TO BE FILLED OUT BY THE GOVERNMENT OPERATOR AT THE TIME AND AT THE SCENE OF THE ACCIDENT, INSOFAR AS POSSIBLE.

DEPARTMENT OR AGENCY

NAME AND LOCATION OF ORGANIZATION TO WHICH YOU ARE ASSIGNED

I OPERATOR

PLEASE PRINT FULL NAME (*Last, First, Middle Initial*) | AGE | RANK, RATING, OR TITLE

SERVICE NUMBER OR SOCIAL SECURITY NUMBER | OPERATOR'S GOV. PERMIT NUMBER

HOME ADDRESS (*Street, city, State, ZIP Code*) | TELEPHONE (*Home*)

II TIME AND PLACE

DATE AND DAY OF WEEK OF ACCIDENT | TIME | HOURS ON DUTY PRIOR TO ACCIDENT

PLACE OF ACCIDENT (*If accident in city, give city, street and number, and State. If outside city limits, indicate mileage to nearest city or other landmark.*)

FROM WHAT PLACE TO WHAT PLACE WERE YOU BOUND

FOR WHAT PURPOSE

III YOUR VEHICLE

MAKE | TYPE | REGISTRATION NUMBER OR OTHER IDENTIFICATION

PARTS OF VEHICLE DAMAGED (*Describe*) | OPERATOR'S ESTIMATED AMOUNT OF DAMAGE $

IF THIS IS A BACKING ACCIDENT, WAS GUIDE AVAILABLE? ☐ YES ☐ NO

IF AVAILABLE, WAS GUIDE USED? ☐ YES ☐ NO

IV OTHER VEHICLE AND PROPERTY (*If additional vehicles see page 3*)

MAKE | TYPE | YEAR

OPERATOR'S STATE PERMIT NUMBER | VEHICLE LICENSE NUMBER AND STATE

OPERATED BY (*Name*) | VEHICLE OWNED BY

OPERATOR'S HOME ADDRESS (*Street, city, State, ZIP Code*) | OWNER'S ADDRESS (*Street, city, State, ZIP Code*)

PARTS OF VEHICLE DAMAGED (*Describe*) | OPERATOR'S ESTIMATED AMOUNT OF DAMAGE $

OTHER VEHICLE OR PROPERTY DAMAGED (*Describe*)

V OPERATOR'S STATEMENT OF ACCIDENT AND USE OF SAFETY EQUIPMENT

TELL IN YOUR OWN WAY HOW ACCIDENT HAPPENED

WAS VEHICLE EQUIPPED WITH SEAT BELTS? ☐ YES ☐ NO

IF YES, WERE THEY IN USE AT TIME OF ACCIDENT? ☐ YES ☐ NO

SIGNATURE OF OPERATOR | DATE

HAVE YOU ANSWERED ALL QUESTIONS AS COMPLETELY AS POSSIBLE?

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Standard Form 91
Revised June 1971

(91-107)

GENERAL SERVICES ADMINISTRATION
FPMR 101-11.8

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V PERSONS INJURED

NAMES	HOME ADDRESSES

VI OCCUPANTS IN YOUR VEHICLE

NAMES	HOME ADDRESSES

VII OCCUPANTS IN OTHER VEHICLE

NAMES	HOME ADDRESSES

VIII WITNESSES AND POLICE

NAMES	HOME ADDRESSES

POLICE OFFICER	BADGE NO.	PRECINCT OR HQS.

IX THE ACCIDENT

YOUR VEHICLE	OTHER VEHICLE
DIRECTION OF TRAVEL	DIRECTION OF TRAVEL
SIDE OF STREET OR HIGHWAY	SIDE OF STREET OR HIGHWAY
APPROXIMATE SPEED (Miles per hour)	APPROXIMATE SPEED (Miles per hour)
CONDITION OF ROADWAY (Dry or wet, no. of lanes, etc.)	
ANY OBSTRUCTION (Hedge, trees, curve, etc.)	TYPE OF ROADWAY (Concrete, macadam, etc.)

OTHER INFORMATION (Traffic signals or signs, obstructions, etc.)

VIII EVENTS AFTER ACCIDENT

IF MEDICAL AID RENDERED, STATE BY WHOM	WHERE WAS INJURED TAKEN
CONDITION OF OTHER DRIVER	

IF OTHER DRIVER OR PERSONS INJURED MADE STATEMENTS AS TO CAUSE OF ACCIDENT AND EXTENT OF PERSONAL OR PROPERTY DAMAGE, RELATE CONVERSATION AND NAMES AND ADDRESSES OF OTHERS HEARING SUCH STATEMENTS

XI OTHER VEHICLE AND PROPERTY (Use sets of more than one vehicle involved)

MAKE	TYPE	YEAR
OPERATOR'S STATE PERMIT NUMBER	VEHICLE LICENSE NUMBER	
OPERATED BY	OWNED BY	
ADDRESS (Number)	OWNER'S ADDRESS (Number)	

PARTS OF VEHICLE DAMAGED (Describe)

OTHER PROPERTY DAMAGED (Describe)

XII INDICATE BY DIAGRAM BELOW WHAT HAPPENED

1. Number Federal vehicle as 1, other vehicle as 2, additional vehicle as 3, and show direction of travel by arrow (Example: 1 → , 2 ↓ , 3 ←)
2. Use solid line to show car to before accident. Broken line after accident.
3. Show pedestrian by
4. Show railroad by
5. Give names or numbers of streets or highways
6. Indicate north by arrow or the circle

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FIGURE 13

STANDARD FORM 9 A (REV. JUNE 1961 ED. 1967)

INVESTIGATION REPORT OF MOTOR VEHICLE ACCIDENT

1.

(Name and address of reporting officer)

2. GENERAL LOCATION, DATE, DAY AND HOUR OF ACCIDENT

If ACCIDENT IN CITY, GIVE CITY OR TOWN AND STATE. IF OUTSIDE CITY LIMITS, INDICATE MILEAGE OR DISTANCE TO NEAREST CITY OR TOWN.

(City or town) (Miles) (Direction) FROM Limits ☐ Camp ☐

(County and State)

DATE	DAY OF WEEK	HOUR A.M. P.M.

3. EXACT LOCATION OF ACCIDENT

ACCIDENT OCCURRED ON (Street) (Highway)

NOTE: CHECK AND COMPLETE ONE. Highway (or street) (specify) nearest intersecting street, house number, power or telephone pole (give number), railroad curve, bridge, railroad crossing, filling station, drive, driveway, culvert, gasoline, milepost, underpass or other identifying landmark. Show exact distance.

☐ AT INTERSECTION WITH (Street or drive)

☐ NOT AT INTERSECTION (Distance) (Direction) of

AND (Distance) (Direction) of

4. FEDERAL VEHICLE (Fed.) (Includes Privately Owned Federally Operated)			5. OTHER VEHICLE (2)		
YEAR	MAKE	BODY TYPE	YEAR	MAKE	BODY TYPE
REGISTRATION NO.	KIND OF CARGO	NUMBER OF PASSENGERS	REGISTRATION NO.	KIND OF CARGO	NUMBER OF PASSENGERS
WAS CARGO DAMAGED? YES	NO		WAS CARGO DAMAGED? YES	NO	
PARTS OF VEHICLE DAMAGED AND NATURE OF DAMAGE			PARTS OF VEHICLE DAMAGED AND NATURE OF DAMAGE		
GOING (Direction)	ON (Street or highway)		GOING (Direction)	ON (Street or highway)	
DISTANCE DANGER NOTICED (Feet)	ESTIMATED SPEED THEN (m.p.h.)	ESTIMATED SPEED AT IMPACT (m.p.h.)	DISTANCE DANGER NOTICED (Feet)	ESTIMATED SPEED THEN (m.p.h.)	ESTIMATED SPEED AT IMPACT (m.p.h.)
LAWFUL SPEED (m.p.h.)	DISTANCE TRAVELED AFTER IMPACT (Feet)		LAWFUL SPEED (m.p.h.)	DISTANCE TRAVELED AFTER IMPACT (Feet)	
MAXIMUM SAFE SPEED (m.p.h.)	OPERATOR'S PERMIT ☐ FEDERAL ☐ STATE		MAXIMUM SAFE SPEED (m.p.h.)	OPERATOR'S PERMIT	
TYPE OF PERMIT (Issuing State) (Permit number) ☐ CHAUFFEUR ☐ TRUCK DRIVER ☐ OPERATOR			TYPE OF PERMIT (Issuing State) (Permit number) ☐ CHAUFFEUR ☐ TRUCK DRIVER ☐ OPERATOR		
LIMITATION OF PERMIT			LIMITATION OF PERMIT		
DRIVER'S NAME	SEX / AGE		DRIVER'S NAME	SEX / AGE	
ADDRESS			ADDRESS		
NUMBER OF HOURS ON DUTY PRECEDING ACCIDENT	YEARS DRIVING EXPERIENCE	EXPERIENCE THIS TYPE VEHICLE	NAME AND ADDRESS OF OWNER (Include phone number)		

BUREAU OF THE BUDGET CIRCULAR A-1 (REV.) VI-201

6. WITNESSES

A. NAME	PHONE NO.	B. NAME	PHONE NO.
ADDRESS		ADDRESS	
LOCATION OF WITNESS AT TIME OF ACCIDENT		LOCATION OF WITNESS AT TIME OF ACCIDENT	

7. KILLED OR INJURED

A. NAME	SEX / AGE	B. NAME	SEX / AGE
ADDRESS		ADDRESS	
CHECK ONE: ☐ KILLED ☐ INJURED	CHECK ONE: ☐ DRIVER ☐ PASSENGER ☐ HELPER ☐ PEDESTRIAN	CHECK ONE: ☐ KILLED ☐ INJURED	CHECK ONE: ☐ DRIVER ☐ PASSENGER ☐ HELPER ☐ PEDESTRIAN
CHECK ONE: ☐ IN FED. VEHICLE ☐ IN OTHER VEHICLE	WHERE IN VEHICLE?	CHECK ONE: ☐ IN FED. VEHICLE ☐ IN OTHER VEHICLE	WHERE IN VEHICLE?
FIRST AID GIVEN BY		FIRST AID GIVEN BY	
TAKEN TO		TAKEN TO	
TAKEN BY	REGISTRATION NO.	TAKEN BY	REGISTRATION NO.

8. PEDESTRIAN

PEDESTRIAN WAS GOING: ☐ ON (Direction) ☐ ACROSS (Street, highway, etc.) FROM (SW cor., W side, etc.) TO (NE cor., W side, etc.)

PEDESTRIAN WAS (Check one):

- ☐ 1 CROSSING AT INTERSECTION WITH SIGNAL
- ☐ 2 SAME—AGAINST SIGNAL
- ☐ 3 SAME—NO SIGNAL
- ☐ 4 SAME—DIAGONALLY
- ☐ 5 CROSSING NOT AT INTERSECTION COMING FROM BEHIND PARKED CARS
- ☐ 6 SAME—NOT COMING FROM BEHIND PARKED CARS
- ☐ 7 COMING FROM BEHIND PARKED CARS TO ENTER VEHICLE
- ☐ 8 WAITING OR GETTING ON OR OFF AT STREET CAR SAFETY ZONE
- ☐ 9 NOT AT SAFETY ZONE
- ☐ 10 GETTING ON OR OFF ANOTHER VEHICLE
- ☐ 11 PLAYING IN ROADWAY
- ☐ 12 WORKING IN ROADWAY
- ☐ 13 WALKING IN ROADWAY—WITH TRAFFIC
- ☐ 14 WALKING IN ROADWAY—AGAINST TRAFFIC
- ☐ 15 WALKING IN ROADWAY—SIDEWALKS AVAILABLE
- ☐ 16 WALKING IN ROADWAY—NO SIDEWALKS AVAILABLE
- ☐ 17 HITCHING ON VEHICLE
- ☐ 18 LYING IN ROADWAY
- ☐ 19 NOT IN ROADWAY (Explain)

9. DAMAGE TO PROPERTY OTHER THAN MOTOR VEHICLES OR CARGO

NAME OBJECTS, SHOW OWNERSHIP, STATE NATURE OF DAMAGE

10. KIND OF LOCALITY (Check one)	11. LIGHT (Check one)	12. WEATHER (Check one)
☐ 1 MANUFACTURING AND INDUSTRIAL	☐ 1 DAYLIGHT ☐ 2 DAWN	☐ 1 CLEAR ☐ 4 FOG
☐ 2 SHOPPING AND BUSINESS	☐ 3 DUSK	☐ 2 RAINING ☐ 5 OTHER (Specify)
☐ 3 RESIDENTIAL	DARKNESS WITH	☐ 3 SNOWING
☐ 4 SCHOOL AND PLAYGROUND	☐ 4 ARTIFICIAL LIGHT	
☐ 5 OPEN COUNTRY	☐ 5 NO ARTIFICIAL LIGHT	
☐ 6 INDUSTRIAL PREMISES		
☐ 7 HOME OR DOMESTIC PREMISES		
☐ 8 OTHER (Specify)		

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13. CONDITION OF DRIVER AND PEDESTRIAN

Check for each person

FED.	9	FED.	
☐	☐	☐	1A. HAD NOT BEEN DRINKING
☐	☐	☐	1B. HAD BEEN DRINKING (Specify if 5.0)
☐	☐	☐	5 ABILITY IMPAIRED
☐	☐	☐	3 ABILITY IMPAIRED
☐	☐	☐	4 NOT KNOWN WHETHER IMPAIRED

Check one or more

FED.	9	FED.	
☐	☐	☐	1 PHYS. AL DEFECT
☐	☐	☐	6 OTHER HANDICAP (APPARENTLY NOT IMPAIRED BY ALCOHOL ETC.)
☐	☐		7 SLEEPY, FATIGUED ETC.
☐	☐		8 APPARENTLY ASLEEP
☐	☐	☐	9 APPARENTLY NORMAL

14. CONDITION OF VEHICLE

Check one or more for each vehicle

FED.	9	FED.	9	
☐	☐	☐	☐	1 DEFECTIVE BRAKES
☐	☐	☐	☐	2 ONE HEADLIGHT OUT
☐	☐	☐	☐	3 BOTH HEADLIGHTS OUT
☐	☐	☐	☐	4 TAILLIGHT OUT OR OBSCURED
☐	☐	☐	☐	5 DIM, COWL OR FENDER LIGHTS ONLY
☐	☐	☐	☐	6 SIGNAL LIGHTS DEFECTIVE
☐	☐	☐	☐	7 OTHER LIGHTS OR REFLECTORS DEFECTIVE
☐	☐	☐	☐	8 TIRE BLEW OUT
☐	☐	☐	☐	9 DEFECTIVE STEERING MECHANISM
☐	☐	☐	☐	10 NO APPARENT DEFECTS
☐	☐	☐	☐	11 OTHER DEFECTS (Specify)

15. VISION OBSCURED BY

Check where applicable

FED.	9	FED.	9	
☐	☐	☐	☐	1 RAIN, SNOW ETC. ON WINDSHIELD
☐	☐	☐	☐	2 CRACKED WINDSHIELD
☐	☐	☐	☐	3 DIRTY WINDSHIELD WINDOWS
☐	☐	☐	☐	4 WINDSHIELD WINDOWS NOT USED
☐	☐	☐	☐	5 TREES, CROPS, ETC.
☐	☐	☐	☐	6 BUILDING
☐	☐	☐	☐	7 EMBANKMENT
☐	☐	☐	☐	8 SIGNBOARDS
☐	☐	☐	☐	9 PARKED VEHICLE
☐	☐	☐	☐	10 MOVING VEHICLE
☐	☐	☐	☐	11 OTHER (Specify)

16. ROAD CHARACTER

Check one in each section

- ☐ 1 STRAIGHT
- ☐ 2 SHARP CURVE OR TURN
- ☐ 3 OTHER CURVES
- ☐ 1 LEVEL
- ☐ 2 UP HILL
- ☐ 3 HILL CREST
- ☐ 4 DOWN HILL

17. ROAD SURFACE

Check one

- ☐ 1 CONCRETE
- ☐ 2 BRICK
- ☐ 3 BLACK TOP
- ☐ 4 GRAVEL, SAND OR DIRT—OILED
- ☐ 5 GRAVEL, SAND OR DIRT—UNOILED
- ☐ 6 OTHER (Specify)

18. ROAD CONDITION

Check one

- ☐ 1 DRY
- ☐ 2 WET
- ☐ 3 MUDDY
- ☐ 4 SNOWY
- ☐ 5 ICY

Check one or more

- ☐ 6 LOOSE MATERIAL ON SURFACE
- ☐ 7 HOLES, DEEP RUTS
- ☐ 8 DEFECTIVE SHOULDERS
- ☐ 9 NO DEFECTS
- ☐ 10 OTHER DEFECTS (Specify)

WAS ROAD UNDER CONSTRUCTION OR REPAIR?

☐ YES ☐ NO

19. TRAFFIC CONTROL

Check one or more

Functioning

- ☐ 1 R. R. CROSSING GATES
- ☐ 2 R. R. AUTOMATIC SIGNAL
- ☐ 3 OFFICER OR WATCHMAN
- ☐ 4 STOP AND GO LIGHT
- ☐ 5 STOP SIGN
- ☐ 6 WARNING SIGN OR SIGNAL
- ☐ 7 FLAGS OR FLARES

Not Functioning

- ☐ 8 NO CONTROL PRESENT

20. DRIVER'S ACTIONS

Check one for each driver

FED.	9	FED.	9	
☐	☐	☐	☐	1 MAKING RIGHT TURN
☐	☐	☐	☐	2 MAKING LEFT TURN
☐	☐	☐	☐	3 MAKING U-TURN
☐	☐	☐	☐	4 GOING STRAIGHT AHEAD
☐	☐	☐	☐	5 SLOWING DOWN
☐	☐	☐	☐	6 OVERTAKING, PASSING
☐	☐	☐	☐	7 FORWARD FROM PARKING SPACE
☐	☐	☐	☐	8 BACKWARD FROM PARKING SPACE
☐	☐	☐	☐	9 OTHER BACKING
☐	☐	☐	☐	10 STOPPED IN TRAFFIC LANE
☐	☐	☐	☐	11 OTHER (Specify)

Check if applicable

FED.	9	FED.	9	
☐	☐	☐	☐	12 SPEEDING
☐	☐	☐	☐	13 ATTEMPTING VEHICLE (PART OR PERSON)
☐	☐	☐	☐	14 EMERGING FROM ALLEY OR DRIVE
☐	☐	☐	☐	15 DISABLED VEHICLE PARKED
☐	☐	☐	☐	16 TAXI MARKING (Must type, no dots)

21. VIOLATIONS

Check one or more

FED.	9	FED.	9	
☐	☐	☐	☐	1 EXCEEDING LAWFUL SPEED
☐	☐	☐	☐	2 DID NOT HAVE RIGHT OF WAY
☐	☐	☐	☐	3 ON WRONG SIDE OF ROAD
☐	☐	☐	☐	4 DRIVE THROUGH SAFETY ZONE
☐	☐	☐	☐	5 PASSING STANDING STREETCAR
☐	☐	☐	☐	6 PASSING ON HILL
☐	☐	☐	☐	7 PASSING ON CURVE
☐	☐	☐	☐	8 CUTTING IN
☐	☐	☐	☐	9 FOLLOWING TOO CLOSELY
☐	☐	☐	☐	12 FAILURE TO SIGNAL OR IMPROPER SIGNAL
☐	☐	☐	☐	11 WIDE RIGHT TURN
☐	☐	☐	☐	12 CUT CORNER ON LEFT TURN
☐	☐	☐	☐	13 TURN FROM WRONG LANE
☐	☐	☐	☐	14 DISREGARDED STOP SIGN
☐	☐	☐	☐	15 DISREGARDED WARNING SIGN OR SIGNAL
☐	☐	☐	☐	16 DISREGARDED STOP AND GO LIGHT
☐	☐	☐	☐	17 DISREGARDED POLICE OFFICER
☐	☐	☐	☐	18 IMPROPER STARTING FROM PARKED POSITION
☐	☐	☐	☐	19 IMPROPER PARKING
☐	☐	☐	☐	90 NO IMPROPER DRIVING INDICATED
☐	☐	☐	☐	91 OTHER IMPROPER ACTION (Specify)

22. ROAD WIDTHS AND LANES

WIDTH OF ROAD OR PAVEMENT | NUMBER OF LANES

WERE LANES MARKED? | WERE LANES SEPARATED?

BY WHAT?

23. POLICE ACTION, IF ANY

CHARGE

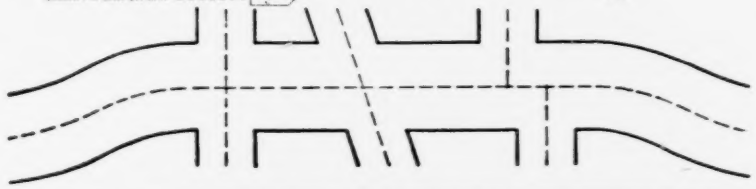
NAME OF PERSON CHARGED

NAME, BADGE NUMBER AND UNIT OF POLICE OFFICER

24. INDICATE ON THIS DIAGRAM HOW ACCIDENT HAPPENED

Use one of these outlines to sketch the scene of the accident, writing in street or highway names or numbers.

1. Number Patrol vehicle as 1, other vehicle as 2, additional vehicle as 3, and show direction of travel by arrow. (Example → 1 ← 2 ← 3)
2. Use solid line to show path before accident. Broken line after accident. (1 → 2)
3. Show pedestrian by ——→ ○
4. Show railroad by +++++++++++++
5. Give names or numbers of streets or highways
6. Indicate north by arrow or the circle ○



25. POINT OF IMPACT

CHECK ONE FOR EACH VEHICLE INVOLVED

FED.	2		FED.	2		FED.	2		FED.	2	
☐	☐	1 FRONT	☐	☐	3 LEFT FRONT	☐	☐	5 LEFT REAR	☐	☐	7 RIGHT SIDE
☐	☐	2 RIGHT FRONT	☐	☐	4 RIGHT REAR	☐	☐	6 REAR	☐	☐	8 LEFT SIDE

26. DESCRIBE WHAT HAPPENED

REFER TO VEHICLES BY "FED." AND "2"

27. SIGNATURE OF INVESTIGATOR | TITLE | DATE

28. STATEMENT OF REVIEWING OFFICIAL

WAS THE DRIVER ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT? ☐ YES ☐ NO

STATE BASIS FOR ANSWER

WHAT CAUSED THE ACCIDENT?

HOW COULD IT HAVE BEEN PREVENTED?

WHAT ACTION HAS BEEN TAKEN?

USE THIS SPACE TO SHOW CONSEQUENCES OF ACCIDENT AFFECTING AGENCY PERSONNEL REPORTED IN SECTION 7

A ☐ MILITARY PERSONNEL ☐ CIVILIAN PERSONNEL

PROBABLE DISABILITY | NATURE OF INJURY AND PART OF BODY

DATE STRUCK WORK

DATE RESUMED WORK

B ☐ MILITARY PERSONNEL ☐ CIVILIAN PERSONNEL

PROBABLE DISABILITY | NATURE OF INJURY AND PART OF BODY

DATE STRUCK WORK

DATE RESUMED WORK

SIGNATURE OF REVIEWING OFFICIAL | TITLE (Optional) | DATE

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FIGURE 15

Standard Form 94
Revised June 1953
Bureau of the Budget
Circular A-5 (Rev.)
(94-103)

STATEMENT OF WITNESS

(Use additional sheets if necessary)

BUDGET BUREAU
APPROVAL NO. 80-R110

1. DID YOU SEE THE ACCIDENT?	2. WHEN DID IT HAPPEN? *(Time and date)*	3. WHERE DID IT HAPPEN? *(Street location and city)*

4. TELL IN YOUR OWN WAY HOW THE ACCIDENT HAPPENED

5. WHERE WERE YOU WHEN THE ACCIDENT OCCURRED?

6. WAS ANYONE INJURED, AND IF SO, EXTENT OF INJURY IF KNOWN?

7. DESCRIBE THE APPARENT DAMAGE TO PRIVATE PROPERTY

8. DESCRIBE THE APPARENT DAMAGE TO GOVERNMENT PROPERTY

9. IN TRAFFIC CASES STATE APPROXIMATE SPEED *(Miles per hour)*	(a) GOVERNMENT VEHICLE	(b) OTHER VEHICLE

10. GIVE THE NAMES AND ADDRESSES OF ANY OTHER WITNESSES TO THE ACCIDENT

NAMES	ADDRESSES

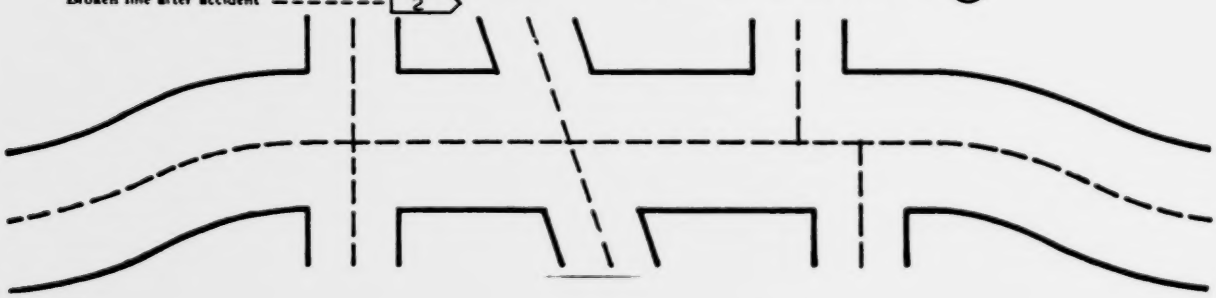
11. DATE	SIGNATURE

12. HOME ADDRESS	TELEPHONE NO.

13. BUSINESS ADDRESS	TELEPHONE NO.

14. INDICATE ON THE DIAGRAM BELOW WHAT HAPPENED:

1. Number Federal vehicle as 1—other vehicle as 2—additional vehicle as 3, and show direction of travel by arrow (*Example:* → 1 2 ←)
2. Use solid line to show path before accident ——— 2
   Broken line after accident - - - - - - - 2
3. Show pedestrian by ——→ O
4. Show railroad by +++++++++++++++
5. Give names or numbers of streets or highways
6. Indicate north by arrow in this circle ◯



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FILE REFERENCE:

This office has been advised that you witnessed an accident which occurred

It will be helpful if you will answer, as fully as possible, the questions on the back of this letter.

Your courtesy in complying with this request will be appreciated. An addressed envelope, which requires no postage, is enclosed for your convenience in replying.

Sincerely yours,

Encl.

U.S. GOVERNMENT PRINTING OFFICE : 1968—O-290-584

(OVER)

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FIGURE 16

CLAIM FOR DAMAGE, INJURY, OR DEATH

INSTRUCTIONS: Prepare in ink or typewriter. Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary.

OM and B Approval No. 80-R111

1. SUBMIT TO	2. NAME AND ADDRESS OF CLAIMANT (*Number, street, city, State, and Zip Code*)

3. TYPE OF EMPLOYMENT ☐ MILITARY ☐ CIVILIAN	4. AGE	5. MARITAL STATUS	6. NAME AND ADDRESS OF SPOUSE, IF ANY (*Number, street, city, State, and Zip Code*)

7. PLACE OF ACCIDENT (*Give city or town and State; if outside city limits, indicate mileage or distance to nearest city or town*)	8. DATE AND DAY OF ACCIDENT	9. TIME (*A.M. OR P.M.*)

10. AMOUNT OF CLAIM (*in dollars*)

A. PROPERTY DAMAGE	B. PERSONAL INJURY	C. WRONGFUL DEATH	D. TOTAL

11. DESCRIPTION OF ACCIDENT (*State below, in detail, all known facts and circumstances attending the damage, injury, or death, identifying persons and property involved and the cause thereof*)

12. PROPERTY DAMAGE

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (*Number, street, city, State, and Zip Code*)

BRIEFLY DESCRIBE KIND AND LOCATION OF PROPERTY AND NATURE AND EXTENT OF DAMAGE (*See instructions on reverse side for method of substantiating claim*)

13. PERSONAL INJURY

STATE NATURE AND EXTENT OF INJURY WHICH FORMS THE BASIS OF THIS CLAIM

14. WITNESSES

NAME	ADDRESS (*Number, street, city, State, and Zip Code*)

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM

15. SIGNATURE OF CLAIMANT (*This signature should be used in all future correspondence*)	16. DATE OF CLAIM

CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM

The claimant shall forfeit and pay to the United States the sum of $2,000, plus double the amount of damages sustained by the United States. (*See R.S. §3490, 5438; 31 U.S.C. 231.*)

CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS

Fine of not more than $10,000 or imprisonment for not more than 5 years or both. (*See 62 Stat. 698, 749; 18 U.S.C. 287, 1001.*)

GENERAL SERVICES ADMINISTRATION-FPMR 101-11.8
95-105

STANDARD FORM 95
REVISED FEBRUARY 1971
GSA FPMR 101-11.8

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INSTRUCTIONS

Complete all items—Insert the word NONE where applicable

Claims for damage to or for loss or destruction of property, or for personal injury, must be signed by the owner of the property damaged or lost or the injured person. If, by reason of death, other disability or for reasons deemed satisfactory by the Government, the foregoing requirement cannot be fulfilled, the claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with said claim establishing authority to act.

If claimant intends to file claim for both personal injury and property damage, claim for both must be shown in item 10 of this form. Separate claims for personal injury and property damage are not acceptable.

The amount claimed should be substantiated by competent evidence as follows:

(*a*) In support of claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(*b*) In support of claims for damage to property which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(*c*) In support of claims for damage to property which is not economically reparable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

Any further instructions or information necessary in the preparation of your claim will be furnished, upon request, by the office indicated in item #1 on the reverse side.

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

17. DO YOU CARRY ACCIDENT INSURANCE? ☐ YES, IF YES, GIVE NAME AND ADDRESS OF INSURANCE COMPANY (*Number, street, city, State, and Zip Code*) AND POLICY NUMBER. ☐ NO

18. HAVE YOU FILED CLAIM ON YOUR INSURANCE CARRIER IN THIS INSTANCE, AND IF SO, IS IT FULL COVERAGE OR DEDUCTIBLE?	19. IF DEDUCTIBLE, STATE AMOUNT

20. IF CLAIM HAS BEEN FILED WITH YOUR CARRIER, WHAT ACTION HAS YOUR INSURER TAKEN OR PROPOSES TO TAKE WITH REFERENCE TO YOUR CLAIM? (*It is necessary that you ascertain these facts*)

21. DO YOU CARRY PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE? ☐ YES, IF YES, GIVE NAME AND ADDRESS OF INSURANCE CARRIER (*Number, street, city, State, and Zip Code*) ☐ NO

GPO 948—16—81478-1 684-900

FIGURE 14

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OPTIONAL FORM 26
MAY 1962
GEN SERV ADMIN
FPMR (41 CFR)
101-39.705

DATA BEARING UPON SCOPE OF EMPLOYMENT OF MOTOR VEHICLE OPERATOR

INSTRUCTIONS. This form is to be filled out by the operator at the time and at the scene of the accident, insofar as possible, and attached to the completed Standard Form 91, Operator's Report of Motor Vehicle Accident.

OPERATOR'S

1. NAME

2. TITLE AND JOB CLASSIFICATION

3. AGENCY NAME AND BEGINNING DATE OF DUTY

4. ESTABLISHED WORKING HOURS
FROM A.M. P.M. TO A.M. P.M.

5. IMMEDIATE SUPERVISOR (Name)

6. SUPERVISOR'S TITLE

VEHICLE OWNERSHIP

7. VEHICLE IS (Check one only)
☐ a. GOVERNMENT-OWNED ☐ b. NOT GOVERNMENT-OWNED
(Identification No.) (License No.)

8. IF BLOCK 7b. IS CHECKED, IS TITLE TO VEHICLE REGISTERED IN OPERATOR'S NAME? ☐ YES ☐ NO
If NO give details as to how vehicle is titled

9. WAS THIS VEHICLE ASSIGNED TO OPERATOR BY A GSA MOTOR POOL? ☐ YES ☐ NO
If YES give details and location of the GSA Motor Pool
If NO what activity assigned the vehicle

10. HOW DID OPERATOR RECEIVE AUTHORITY FOR USE OF VEHICLE? ☐ ORALLY ☐ WRITTEN AUTHORITY
Give details

DETAILS OF TRIP DURING WHICH ACCIDENT OCCURRED

11. ORIGIN

12. DESTINATION

13. EXACT PURPOSE OF TRIP

14. DATE AND TIME TRIP BEGAN

15. DATE AND TIME OF ACCIDENT

16. HOW DID OPERATOR RECEIVE AUTHORITY FOR TRIP? ☐ ORALLY ☐ WRITTEN AUTHORITY
Give details

17. WAS THERE ANY DEVIATION FROM DIRECT ROUTE? ☐ YES ☐ NO
If YES explain in detail

18. WAS TRIP MADE WITHIN ESTABLISHED WORKING HOURS? ☐ YES ☐ NO
If NO explain

19. DID OPERATOR WHILE ENROUTE ENGAGE IN ANY ACTIVITY OTHER THAN THAT FOR WHICH THIS TRIP WAS AUTHORIZED? ☐ YES ☐ NO
If YES explain

20. STATE BELOW FULL DETAILS OF THE AUTHORITY FOR, THE NATURE OF, AND CIRCUMSTANCES SURROUNDING THE TRIP NOT OTHERWISE COVERED ABOVE OR ON THE ACCOMPANYING SF-91.

(Continue on reverse)

OPERATOR'S	SIGNATURE	DATE
	The information contained herein is true and correct to the best of my knowledge and belief.	
SUPERVISOR'S	SIGNATURE	DATE

5026-102

APPENDIX XI

Volunteer Early Termination Procedures (45CFR Part 1210)

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of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

June 30, 1981.

[FR Doc. 81-20120 Filed 7-8-81; 8:45 am]

BILLING CODE 4310-84-M

ACTION

45 CFR Part 1210

VISTA Trainee Deselection and Volunteer Early Termination Procedures

AGENCY: Action.

ACTION: Final regulation.

SUMMARY: This document codifies and revises ACTION's procedure concerning the deselection of Trainees and early termination of Volunteers by the ACTION Agency, and the procedure for appealing such deselections and terminations. Also, this procedure has been revised to include a section dealing with VISTA Volunteers in ACTION's National Grant Program.

EFFECTIVE DATE: This regulation shall take effect on August 24, 1981.

FOR FURTHER INFORMATION CONTACT: Angelo Traficanti, Chief, VISTA Policy Unit, toll-free 800-424-8580 Extension 82.

SUPPLEMENTARY INFORMATION: ACTION's procedures for deselecting Trainees, terminating Volunteers and providing an opportunity to appeal such terminations are presently contained in ACTION Order 4002.6, entitled "Suspension, Early Termination and Appeal Procedures for VISTA and ACV Volunteers and Trainees", published in 1974, and also appear in the VISTA Volunteer Handbook distributed to all Volunteers. Five years experience has indicated a need for revision as well as codification in the Code of Federal Regulations. In August 1979, all Regional and State ACTION offices as well as the National VISTA Volunteers Form were asked for suggestions as to changes in the early termination procedures. A proposed rule incorporating these ideas and making editorial revisions in the existing procedrues was published in the **Federal Register** for comment on November 16, 1979 (44 FR 65999).

The Agency has considered the public comments received and has determined to adopt the proposed regulation with certain modifications. Discussed below are the provisions of the Final regulation and the major public comments the Agency received in response to its proposed rule.

I. Description of the Regulation

This regulation establishes the standards and procedures by which full-time Trainees and Volunteers enrolled in programs authorized by Part A or Part C of Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 *et seq.*) may be terminated from volunteer service. Under the regulation, the Volunteer is first notified that consideration is being given to his or her termination and informal discussions between the Volunteer and an ACTION staff member will be scheduled. If, after such discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer does not resign, he or she will be notified in writing of ACTION's intent to terminate. The Volunteer, within 10 days of receipt of such notice, may respond to the appropriate State Director or designee. The State Director will then review the case and issue a Notice of Decision. A Volunteer who is dissatisfied with the decision of the State Director may appeal the early termination to the Regional Director who will review the file and any additional information submitted by the Volunteer in the appeal and render a written decision.

A Volunteer may appeal the decision of the Regional Director within five days of its receipt by requesting in writing that the Regional Director appoint a Hearing Examiner (hereafter referred to as Examiner). Upon receipt of such a request, the Regional Director must appoint an Examiner who, after reviewing the complaint, determines the appropriate scope of the investigation. In the investigation, the Examiner must provide the Volunteer an opportunity to present his or her position through a personal interview, group meeting, or any other manner which the Examiner determines to be conducive to a fair and impartial gathering of the facts. A hearing will be held only if the Examiner determines that the documentation reveals a disputed question of fact necessary to the resolution of an issue relevant to the early termination.

When the investigation by the Examiner has been completed, a report, including recommendations, which will constitute the official termination file is written and the file is made available to the Volunteer for review and comment. After the Volunteer has been given the opportunity to review and comment on the file, the file is forwarded to the Director of VISTA for decision. The Director's decision must be made within ten days after receipt of the file and must be communicated to the Volunteer in writing. The decision of the Director of VISTA is the final Agency decision.

II. Discussion of Comments Received

A. Nature of the Comments

The Agency received ten letters containing approximately twenty-five comments on the draft regulations published in the November 16, 1979, **Federal Register**. Analysis of the comments reflects concern with the following two categories: the role of the Examiner, and the change in the submission of an appeal to the Examiner after the Regional Director's decision rather than before as in the previous procedure. These two areas account for the majority of the comments received that were not of merely a technical nature.

Comments were received from Agency officials and both present and past VISTA Volunteers. The following is the Agency's response to the substantive comments received.

B. Response

Structural Position of the Investigation and Hearing. Two comments were received that protested the proposed change in the regulations from appointment of the Examiner prior to the Regional Director's decision to after the Regional Director's decision and prior to the final Agency decision by the Director of VISTA. One comment stated that such a change would place an undue burden on the Regional Director to determine the facts, and the other comments pointed out that such a change would harm the Volunteer who would be required to proceed through another step of Agency review prior to an independent review by an Examiner.

After consideration of both points, the Agency feels that the proposed provision requiring appointment of an Examiner after the Regional Director's decision is the most economical, practical, and equitable procedure. The Regional Directors are closely involved and familiar with the situation in their Regions and have access to sources of pertinent information regarding terminations. Although the loss of the Examiner's report prior to their decisions may place the burden of further investigation on the Regional Directors, it provides a formal decision on the termination appeal prior to the assignment of an Examiner. The Agency does not feel that altering the placement of the independent examination to after the Regional Director's decision seriously affects the rights of the Volunteer. The provision of an independent investigation is still

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available to the Volunteer who is not satisfied with the State and Regional response.

Role of the Examiner: The other comments received concerning the Examiner involved a demand that all Volunteers, once referred to the Examiner, should be entitled to a full hearing. No previous Agency procedures ever gave the Volunteers such a right, nor does the Agency believe a full hearing to be necessary in all terminations. The regulation requires a hearing by the Examiner only in those terminations in which a disputed question of fact necessary to the resolution of an issue relevant to the termination is presented. If no hearing is required, an opportunity for presentation of relevant and material information to the Examiner is required. Furthermore, the Volunteer reviews, and may submit comments on the completed file prior to the issuance of the report by the Examiner.

Pursuant to Section 3(c)(3) of E.O. 12291, entitled, "Federal Regulation" the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1210:

Volunteers; Grant Programs/Social Programs; Administrative Practice and Procedure.

Accordingly, 45 CFR Part 1210 is added to read as follows:

PART 1210—VISTA TRAINEE DESELECTION AND VOLUNTEER EARLY TERMINATION PROCEDURES

Subpart A—General

Sec.

1210.1-1 Purpose.
1210.1-2 Scope.
1210.1-3 Definitions.

Subpart B—VISTA Trainee Deselection

1210.2-1 Grounds for deselection.
1210.2-2 Procedure for deselection.

Subpart C—VISTA Volunteer Early Termination

1210.3-1 Grounds for termination.
1210.3-2 Removal from project.
1210.3-3 Suspension.
1210.3-4 Initiation of termination.
1210.3-5 Preparation for appeal.
1210.3-6 Appeal of termination.
1210.3-7 Inquiry by Hearing Examiner.
1210.3-8 Termination file and Examiner's report.
1210.3-9 Decision by Director of VISTA.
1210.3-11 Disposition of termination and appeal files.

Subpart D—National Grant Trainees and Volunteers

1210.4 Early termination procedures for National Grant Trainees and Volunteers.

Appendix A—Standard for Examiners

Authority: Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407

Subpart A—General

§ 1210.1-1 Purpose.

This part establishes procedures under which certain Trainees and Volunteers serving in ACTION programs under Pub. L. 93-113 will be deselected from training or terminated from service and how they may appeal their deselection or termination.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.1-2 Scope.

(a) This part applies to all Trainees and Volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, as amended, (42 U.S.C. 4951 *et seq.,*) (hereinafter the "Act") and full-time Volunteers serving under Part C of Title I of the Act.

(b) This part does not apply to the medical separation of any Trainee or Volunteer. Separate procedures, as detailed in the VISTA Handbook, are applicable for such separations.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.1-3 Definitions.

(a) "Trainee" means a person enrolled in a program under Part A of Title I of the Act or for full-time volunteer service under Part C of Title I of the Act who has reported to training but has not yet completed training and been assigned to a project.

(b) "Volunteer" means a person enrolled and currently assigned to a project as a full-time Volunteer under Part A of Title I of the Act, or under Part C of Title I of the Act.

(c) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned Volunteers.

(d) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A who has been appointed to conduct an inquiry with respect to a termination.

(e) "National Grant Program" means a program operated under Part A, Title I of the Act in which ACTION has awarded a grant to provide the direct costs of supporting VISTA Volunteers on a national or multi-regional basis. VISTA Volunteers may be assigned to local offices or project affiliates. The national grantee provides overall training, technical assistance and management support for project operations.

(f) "Local component" means a local office or project affiliate of a national grantee to which VISTA Volunteers are assigned under the VISTA National Grants Program.

(g) "Termination" means the removal of a Volunteer from VISTA service by ACTION, and does not refer to removal of a Volunteer from a particular project which has been requested by a sponsor or Governor under § 1210.3-2.

(h) "Deselection" means the removal of a Trainee from VISTA service by ACTION.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Subpart B—VISTA Trainee Deselection

§ 1210.2-1 Grounds for deselection.

ACTION may deselect a Trainee out of a training program for any of the following reasons:

(a) Failure to meet training selection standards which includes, but is not limited to, the following conduct:

(1) inability or refusal to perform training assignments;

(2) disruptive conduct during training sessions;

(b) Conviction of any criminal offense under Federal, State or local statute or ordinance;

(c) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(d) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer; or

(e) Refusal to accept Volunteer Placement.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.2-2 Procedure for deselection.

(a) The Regional Director or designee shall notify the Trainee in writing that ACTION intends to deselect the Trainee. The notice must contain the reasons for the deselection and indicate that the Trainee has 5 days to appeal.

(b) The Trainee is placed on Administrative Hold at the time of the notice of deselection.

(c) The Trainee has 5 days after receipt of the notice to appeal in writing to the Regional Director, or designee specified in the notice, furnishing any supportive documentation. In the appeal letter, the Trainee may request an opportunity to present his or her case in person.

(d) If the Trainee does not respond to the notice, deselection becomes effective at the expiration of the Trainee's time to appeal.

(e) Within 5 days after receiving the Trainee's appeal, if no personal presentation is requested, the Regional Director or designee must issue a

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decision. If a personal presentation is requested, the Regional Director or designee must schedule it within 5 days, and must issue a decision 5 days after such presentation. In either case, the decision of the Regional Director or designee is final.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Subpart C—VISTA Volunteer Early Termination

§ 1210.3-1 Grounds for termination.

ACTION may terminate or suspend a Volunteer based on the Volunteer's conduct for the following reasons:

(a) Conviction of any criminal offense under Federal, State, or local statute or ordinance;

(b) Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or any ACTION policy, regulation, or instruction;

(c) Failure refusal or inability to perform prescribed project duties as outlined in the Project Narrative and/or volunteer assignment description and as directed by the sponsoring organization to which the Volunteer is assigned;

(d) Involvement in activities which substantially interfere with the Volunteer's performance of project duties;

(e) Intentional false statement, omission, fraud, or deception in obtaining selection as a Volunteer;

(f) Any conduct on the part of the Volunteer which substantially diminishes his or her effectiveness as a VISTA Volunteer; or

(g) Unsatisfactory performance of Volunteer assignment.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-2 Removal from project.

(a) Removal of a Volunteer from the project assignment may be requested and obtained by a written request supported by a statement of reason by: (1) The Governor or chief executive officer of the State or similar jurisdiction in which the Volunteer is assigned or, (2) the sponsoring organization. The sole responsibility for terminating or transferring a Volunteer rests with the ACTION Agency.

(b) A request for removal of a Volunteer must be submitted to the ACTION State Director, who will in turn notify the Volunteer of the request. The State Director, after discussions with the Volunteer and in consultation with the Regional Director, if necessary, has 15 days to attempt to resolve the situation with the sponsor or the Governor's office. If the situation is not resolved at the end of the 15 day period, the Volunteer will be removed from the project and placed on Administrative Hold, pending a decision as set forth in paragraph (c) of this section.

(c) The State office will take one of the following actions concerning a Volunteer who has been removed from a project assignment:

(1) Accept the Volunteer's resignation;

(2) If removal was requested for reasons other than those listed in § 1210.3-1, ACTION will attempt to place the Volunteer on another project. If reassignment is not possible, the Volunteer will be terminated for lack of suitable assignment, and he or she will be given special consideration for reinstatement; or

(3) If removal from the project is approved based on any of the grounds for early termination as set forth in § 1210.3-1, the Volunteer may appeal the termination grounds as detailed in Subpart C of this Part to establish whether such termination is supported by sufficient evidence. If ACTION determines that the removal based on grounds detailed in § 1210.3-1 is not established by adequate evidence, then the procedures outlined in § 1210.3-2(c)(2) will be followed.

(d) A Volunteer's removal during a term of service may also occur as a result of either the termination of, or refusal to renew, the Memorandum of Agreement between ACTION and the sponsoring organization, or the termination or completion of the initial Volunteer assignment. In such cases, the Volunteer will be placed in Administrative Hold status while the Regional Office attempts to reassign the Volunteer to another project. If no appropriate reassignment within the Region is found within the Administrative Hold period, the Volunteer will be terminated but will receive special consideration for reinstatement as soon as an appropriate assignment becomes available. If appropriate reassignment is offered the Volunteer and declined, ACTION has no obligation to offer additional or alternative assignments.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-3 Suspension.

(a) The ACTION State Director may suspend a Volunteer for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the Volunteer. Suspension is not warranted if the State Director determines that sufficient grounds already exist for the initiation of termination. In that event, the termination procedures contained in § 1210.3-4 will be followed.

(b) Notice of suspension may be written or verbal and is effective upon delivery to the Volunteer. Within 3 days after initiation of the suspension, the Volunteer will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period the Volunteer may not engage in project activities, but will continue to receive all allowances, including stipend.

(c) At the end of the suspension period, the Volunteer must either be reassigned to a project, or termination proceedings must be initiated.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-4 Initiation of termination.

(a) Opportunity for Resignation. In instances where ACTION has reason to believe that a Volunteer is subject to termination for any of the grounds cited in § 1210.3-1, an ACTION staff member will discuss the matter with the Volunteer. If, after the discussion, the staff member believes that grounds for termination exist, the Volunteer will be given an opportunity to resign. If the Volunteer chooses not to resign, the administrative procedures outlined below will be followed.

(b) Notification of Proposed Termination. The Volunteer will be notified, in writing by certified mail, of ACTION's intent to terminate him or her by the ACTION State Director at least 15 days in advance of the proposed termination date. The letter must give the reasons for termination, and notify the Volunteer that he or she has 10 days within which to answer in writing and to furnish any affidavits or written material. This answer must be submitted to the ACTION State Director or a designee identified in the notice of proposed termination.

(c) Review and Notice of Decision. (1) Within 5 working days after the date of receipt of the Volunteer's answer, the State Director or designee will send a written Notice of Decision to the Volunteer by certified mail. (If no answer is received from the Volunteer within the time specified, the State Director or designee will send such notice within 5 days after the expiration of the Volunteer's time to answer.)

(2) If the decision is to terminate the Volunteer, the Notice will set forth the reasons for the decision, the effective date of termination (which, if the Volunteer has filed an answer, may not be earlier than 10 days after the date of the Notice of Decision), and the fact that the Volunteer has 10 days in which to submit a written appeal to the Regional Director.

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(3) A Volunteer who has not filed an answer pursuant to the procedures outlined above is not entitled to appeal the decision or request a hearing and may be terminated on the date of the Notice.

(d) Allowances and Project Activities. (1) A Volunteer who files an answer within the 10 days allowed by 1210.3-4(b) with the State Director or designee following receipt of the notice of proposed termination, will be placed in Administrative Hold status and may continue to receive regular allowances, but no stipend, in accordance with ACTION policy, until the appeal is finally decided. The Volunteer may not engage in any project related activities during this time.

(2) If the proposed termination is reversed, the Volunteer's stipend and any other allowances lost during the period of review will be reinstated retroactively.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 394 and 407)

§ 1210.3-5 Preparation for appeal.

(a) Entitlement to Representation. A Volunteer may be accompanied, represented and advised by a representative of the Volunteer's own choice at any stage of the appeal. A person chosen by the Volunteer must be willing to act as representative and not be disqualified because of conflict of position.

(b) Time for Preparation and Presentation. (1) A Volunteer's representative, if a Volunteer or an employee of ACTION, must be given a reasonable amount of time off from assignment to present the appeal.

(2) ACTION will not pay travel expenses or per diem travel allowances for either a Volunteer or the Volunteer's representative in connection with the preparation of the appeal, except to attend the hearing as provided in § 1210.3-7(c)(3).

(c) Access to Agency Records. (1) A Volunteer is entitled to review any material in his or her official Volunteer folder and any relevant Agency documents to the extent permitted by the Privacy Act and the Freedom of Information Act. (5 U.S.C. 552a; 5 U.S.C. 552). Examples of documents which may be withheld from Volunteers include references obtained under a pledge of confidentiality, official Volunteer folders of other Volunteers and privileged intra-Agency memoranda.

(2) A Volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 394 and 407)

§ 1210.3-6 Appeal of termination.

(a) Appeal to Regional Director. A Volunteer has 10 days from the Notice of Decision issued by the State Director or designee in which to appeal to the Regional Director. The appeal must be in writing and specify the reasons for the Volunteer's disagreement with the decision. The Regional Director has 10 days in which to render a written decision on the Volunteer's appeal, indicating the reasons for the decision. In notifying the Volunteer of the decision, the Regional Director must also inform the Volunteer of his or her opportunity to request the appointment of a Hearing Examiner and the procedure to be followed.

(b) Referral to Hearing Examiner. If the Volunteer is dissatisfied with the decision of the Regional Director, the Volunteer has 5 days within which to request the appointment of a Hearing Examiner. The Regional Director must act on that request within 5 days. The Hearing Examiner must possess the qualifications specified in Appendix A to this Part, and may not be an employee of ACTION unless his or her principal duties are those of Hearing Examiner.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 394 and 407)

§ 1210.3-7 Inquiry by Hearing Examiner.

(a) Scope of Inquiry. (1) The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the termination. If the Examiner determines that the termination involves relevant disputed issues of fact, the Examiner must hold a hearing unless it is waived by the Volunteer. If the Examiner determines that the termination does not involve relevant disputed issues of facts, the Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions. At the Examiner's discretion, the inquiry may include:

(i) The securing of documentary evidence;

(ii) Personal interviews, including telephone interviews;

(iii) Group meetings; or

(iv) Affidavits, written interrogatories or depositions.

(2) The Examiner's inquiry shall commence within 7 days after referral by the Regional Director. The Examiner shall issue a report as soon as possible, but within 30 days after referral, except when a hearing is held. If hearing is held, the Examiner shall issue a report within 45 days after the referral.

(b) Conduct of Hearing. If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making the decision.

(2) Ordinarily, attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with it. If requested by the Volunteer, the Examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) Witnesses.

(1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least 10 days before the date of the hearing. The Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination, or reprisal for presenting their testimony.

(5) The Examiner must authorize payment of travel expense and per diem at standard Government rates for the Volunteer and a representative to attend the hearing.

(6) The Examiner may authorize payment of travel expense and per diem at standard Government rates for other

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necessary witnesses to attend the hearing if he or she determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

(d) Report of Hearing. (1) The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted and accepted. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings.

(2) If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary will constitute the report of the hearing and shall be made part of the record of proceedings.

(3) The Volunteer may make a recording of the hearing at the Volunteer's own expense if no verbatim transcript is made.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-8 Termination file and Examiner's report.

(a) Preparation and Content. The Examiner shall establish a termination file containing documents related to the termination, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The Examiner shall also prepare a report of findings and recommendations which shall be made part of the termination file.

(b) Review by Volunteer. On completion of the termination file, the Examiner shall make it available to the Volunteer and representative for review and comment before submission to the Director of VISTA. Any comments by the Volunteer or representative should be submitted to the Hearing Examiner for inclusion in the termination file not later than 5 days after the file is made available to them. The comments should identify those parts of the Examiner's report which support the appeal.

(c) Submission of termination file. Immediately upon receiving the comments from the Volunteer the Hearing Examiner shall submit the termination file to the Director of VISTA.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-9 Decision by Director of VISTA.

The Director of VISTA shall issue a written decision, including a statement of the basis for the decision, within 10 days after receipt of the termination file. The decision of the Director of VISTA is the final Agency decision.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-10 Reinstatement of Volunteer.

(a) If the Regional Director or Director of VISTA reinstates the Volunteer, the Regional Director may at his or her discretion reassign the Volunteer to the Volunteer's previous project or to another project. The Regional Director, in making such a decision, must request the Volunteer's views, but has the final decision on the Volunteer's placement.

(b) If the Volunteer's termination is reversed, stipend and other allowances lost during the appeal period will be paid retroactively.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

§ 1210.3-11 Disposition of termination and appeal files.

All termination and appeal files shall be forwarded to the Director of VISTA after a final decision has been made and are subject to the provisions of the Privacy Act and Freedom of Information Act. No part of any successful termination appeal may be made part of, or included in, a Volunteer's official folder.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Subpart D—National Grant Trainees and Volunteers

§ 1210.4 Early termination procedures for National Grant Trainees and Volunteers.

Trainees and Volunteers serving in the National Grant Program as defined in § 1210.1-3(e) will be subject to the same termination procedure as standard VISTA Trainees and Volunteers with the following exceptions:

(a) For Trainees, the deselection procedure, [See § 1210.2-2] will be handled by the Project Manager in ACTION/Headquarters.

(b) The Initiation of termination, [See § 1210.3-4 (a) and (b)] will be handled by the VISTA Project Manager in ACTION/Headquarters, with the concurrence of the appropriate State Director. The Review and Notice of Decision, [See § 1210.3-4(c)] will be handled by the VISTA Project Manager in ACTION/Headquarters.

(c) The Appeal of termination, [See § 1210.3-6(a)] will be handled by the Chief of VISTA Branch and not the Regional Director.

(d) The final decision on a Volunteer appeal will be made by the Director of VISTA as provided in § 1210.3-9.

(Secs. 103(c), 402(14), Pub. L. 93-113, 87 Stat. 397 and 407)

Appendix A—Standard for Examiners

(a) An Examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1)(a) Current employment in Grades GS-12 or equivalent, or above;

(b) Satisfactory completion of a specialized course of training prescribed by the Office of Personnel Management for Examiners;

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an Examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

—Identify and select appropriate sources of information, collect, organize, analyze and evaluate information, and arrive at sound conclusions on the basis of that information;

—Analyze situations; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practical recommendations or decisions on the basis of facts;

—Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

—Interpret and apply regulations and other complex written material;

—Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

—Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

—The relationship between Volunteer administration and overall management concerns; and

—The principles, systems, methods and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Office of Personnel Management's register for Hearing Examiner, GS-935-0.

(4) Membership in good standing in the National Academy of Arbitrators.

(b) A former Federal employee who, at the time of leaving the Federal service, was in Grade GS-12 or equivalent, or above, and who meets all the requirements specified for an Examiner except completion of the prescribed training course, may be used as an Examiner upon satisfactory completion of the training course.

APPENDIX XII

Volunteer Grievance Procedures (45CFR Part 1211)

ACTION

45 CFR Part 1211

VISTA Volunteer Grievance Procedure

AGENCY: ACTION.

ACTION: Final regulation.

SUMMARY: This document revises ACTION's regulations on VISTA Volunteer Grievance Procedures in response to suggestions from volunteers and program staff. In addition, the procedure has been revised to include a section dealing with VISTA Volunteers serving in ACTION's National VISTA Grants Program.

EFFECTIVE DATE: This regulation shall take effect on July 25, 1980.

FOR FURTHER INFORMATION CONTACT: Angelo Traficanti; Chief, VISTA Policy Unit, 800-424-8580, Ext. 82.

SUPPLEMENTARY INFORMATION: The existing VISTA Volunteer Grievance Procedure was published in 1974, pursuant to Section 104(d) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954(d)). It also apears in the *VISTA Volunteer Handbook* which is distributed to all VISTA Volunteers. Five years experience with the procedure has indicated a need for revision. In August 1979, all Regional and State Oifices as well as the National VISTA Volunteer Forum were asked for suggestions as to changes in the procedure. A proposed rule incorporating these ideas and making minor editorial revisions in the existing procedures was published in the Federal Register for comment on November 16, 1979.

The Agency has considered the public comments received and has determined to adopt the proposed regulation with certain modifications. Discussed below are the provisions of the final regulation and the major public comments the Agency received in response to its proposed rule. While this regulation has been developed with consideration of comments from the public, as a matter involving volunteers, it is exempt from the requirements of Executive Order 12044, Improving Government Regulations.

I. Description of the Regulation

The regulation establishes a procedure by which VISTA Volunteers and all full-time volunteers serving under Part C of Title I of the Act may present and obtain resolution of their grievances. Under the regulation the volunteer first brings an informal grievance to the attention of the Chief Executive Officer of the sponsoring organization to which the volunteer is assigned and the State Program Director in an attempt to resolve the grievance on a local, informal basis. If the volunteer is dissatisfied with the informal resolution of the grievance a formal complaint may be presented to the appropriate Regional Director.

After a determination that the informal procedures were fully utilized, the Regional Director must either decide the grievance immediately on its merits or determine that the grievance should be rejected for the following reasons: (1) The volunteer exceeded the prescribed time limits, or (2) the grievance consists of matters not within the scope of the grievance procedures under this regulation. A volunteer may appeal a decision to reject the complaint to the Office of General Counsel for an opinion as to the appropriateness of the Regional Director's action. The opinion by the Office of General Counsel that the grievance exceeds the scope of the regulations or was not timely filed will be final. If the Office of General Counsel rules that the rejection was inappropriate, the grievance will be returned to the Regional Director for a decision on its merits. Once a decision on the merits of the grievance has been made, the volunteer shall be notified of the decision, the reasons underlying it, and the means of appeal.

A volunteer may appeal the decision of the Regional Director within five days of its receipt by requesting in writing that the Regional Director appoint a Grievance Examiner (subsequently referred to as Examiner). Upon receipt of such a request, an Examiner shall be appointed who after review of the complaint shall determine the appropriate scope of the investigation. In the investigation, the Examiner shall

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provide the grievant an opportunity to present his or her position through personal interviews, group meetings, or any other manner which the Examiner determines to be conducive to a fair and impartial gathering of the facts. A hearing will be held only if the Examiner determines that the documentation reveals a disputed question of fact determinative to the resolution of an issue relevant to the grievance.

Once the investigation by the Examiner is completed, a report including recommendations which constitute the official grievance file is written and the grievance file is made available to the grieving volunteer for review and comment. After the volunteer has been given the opportunity to review and comment on the grievance file, the file is forwarded to the Director of VISTA for decision. The Director's decision shall be made within ten (10) days after receipt of the grievance file and shall be communicated to the volunteer in writing. The decision of the Director of VISTA is the final agency decision.

II. Discussion of Comments Received

A. Nature of the Comments

The Agency received ten (10) letters containing approximately twenty-five (25) comments on the draft regulations published in the November 16, 1979 **Federal Register.** Analysis of the comments reflect concern with the following three (3) categories: the scope of the regulations; the role of the Examiner; and the change in the submission of a grievance to the Examiner after the Regional Director's decision rather than before as in the previous regulations. These three (3) areas account for the majority of the comments received that were not of merely a technical nature.

Comments were received from the Agency Officials (7), and both present and past VISTA Volunteers (3). The following is the Agency's response to the substantive comments received.

B. Response

Scope of the Regulation—Definition of a Grievance. The Agency received comments from either past or present volunteers concerning the proper matters that should be covered by the regulations including the specific definition of grievance found in § 1211.1–3(b) and the matters not covered by the regulations found in § 1211.1–5. In general, the comments reflected the belief that the proposed definition of grievance was either too vague or too restrictive an interpretation of the proper areas in which a volunteer may file a grievance. It was suggested that the "terms and conditions of service" be defined as those set out in the *VISTA Volunteer Handbook* to provide more guidance. Another comment noted that as proposed, the definition of grievance did not allow or require policy changes if, in the course of a grievance, it is apparent that the present policies caused the grievance to arise.

The Agency agrees that the grieving volunteer who is directly affected by the policy may properly request a review of the policy which caused the grievance. However, this does not require the Agency to change the policy or procedure in the specific manner desired by the grievant. In this manner, volunteers will obtain individual relief as well as input into the specific policy involved in the grievance. However, the volunteer grievance procedure is not the appropriate mechanism for the development and revision of Agency policy. Such functions are properly the responsibility of the Agency and its internal management.

Furthermore, as a result of the concerns expressed in the comments, the Agency has clarified its definition of the "terms and conditions of service", by its expanded definition of grievance, but does not believe that referring to the *VISTA Volunteer Handbook* is an adequate solution. The Handbook is not an all-inclusive document of the volunteers' terms and conditions of service. Therefore, in order not to restrict the term unduly but to give some guidance in this area, the whole paragraph encompassing the scope a grievance must be read in order to define the terms and conditions of service of a VISTA Volunteer.

This was done to clarify both the scope of the "terms and conditions of service" and to emphasize that the person who may utilize the procedure is the volunteer who alleges a denial or violation of such term or condition of service.

Structural Position of the Grievance Examiner. Two comments were received that protested the change in the proposed regulations from appointment of the Examiner prior to the Regional Director's decision to after the Regional Director's decision and prior to the final Agency decision of the Director of VISTA. One comment stated that such a change would place an undue burden on the Regional Director to determine the facts, and the other comment believed that such a change harmed the grieving volunteer who is now required to proceed through another step of Agency review prior to an independent review by an Examiner.

After consideration of both points, the Agency feels that the proposed present regulation's provision of the Examiner after the Regional Director's decision is the most economical, practical, and equitable procedure. The Regional Directors are more closely involved and familiar with the situation in their regions and would have access to sources of pertinent information regarding the grievances. Although the loss of the Examiner's report prior to their decision may place the burden of further investigation on the Regional Directors, it provides a means of formal resolution of the grievance prior to the assignment of the Examiner. The Agency does not feel that altering the placement of the Examiner to after the Regional Director's decision seriously affects the rights of the volunteer. The provision of an independent investigation is still available to the grieving volunteer who is not satisfied with the State and Regional response.

Role of the Examiner. The other comments received concerning the Examiner involved a demand that all grieving volunteers, once referred to the Examiner, are entitled to a full hearing. Neither this regulation nor the previous regulation ever gave the volunteers such a right, nor does the Agency believe a full hearing to be necessary in all grievances. The regulation requires a hearing before the Examiner only in those grievances in which a disputed question of fact determinative to the resolution of an issue relevant to the grievance is presented. If no hearing is required, an opportunity for presentation of relevant and material information to the Examiner is required. Furthermore, the grieving volunteer reviews and may submit comments on the completed file prior to the issuance of the report by the Examiner.

Accordingly, 45 CFR Part 1211 is revised to read as follows:

PART 1211—VOLUNTEER GRIEVANCE PROCEDURES

Sec.

1211.1–1 Purpose.
1211.1–2 Applicability.
1211.1–3 Definitions.
1211.1–4 Policy.
1211.1–5 Matters not covered.
1211.1–6 Freedom to initiate grievances.
1211.1–7 Entitlement to representation.
1211.1–8 Time for preparation and presentation.
1211.1–9 Access to agency records.
1211.1–10 Informal grievance procedure.
1211.1–11 Initiation of formal grievance procedure.
1211.1–12 Inquiry by grievance examiner.
1211.1–13 Grievance file and examiner's report.

Sec
1211.1-14 Final determination by director of VISTA.
1211.1-15 Disposition of grievance appeal files.
1211.1-16 Grievance procedure for national VISTA grants volunteers.

Appendix A. Standards for Examiners.

Authority: Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414.

§ 1211.1-1 Purpose.

This Part establishes procedures under which certain volunteers enrolled under Pub. L. 93-113 may present and obtain resolution of grievances.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-2 Applicability.

This Part applies to all volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93-113, (42 U.S.C. 4951 *et seq.*).

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-3 Definitions.

(a) "Volunteer" means a person enrolled and currently serving as a full-time volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973. For the purpose of this part, a volunteer whose service has terminated shall be deemed to be a volunteer for a period of 90 days thereafter.

(b) "Grievance" means a matter arising out of, and directly affecting, the volunteer's work situation, or a violation of those regulations governing the terms and conditions of service resulting in the denial or infringement of a right or benefit to the grieving volunteer. Terms and conditions of service refer to those rights and privileges accorded the volunteer either through statute, Agency regulation, or Agency policy.

The relief requested must be directed toward the correction of the matter involving the affected individual volunteer or the affected group of volunteers and may request the revision of existing policies and procedures to ensure against similar occurrences in the future. Requests for relief by more than one volunteer arising from a common cause within one region may be treated as a single grievance. The following are examples of grievable matters:

(i) A volunteer is assigned to an area of harsh climate where special clothing is necessary and not already possessed by the volunteer. A request for a special allowance for such clothing is arbitrarily refused.

(ii) A volunteer submits a request for reimbursement for transportation costs incurred while on authorized emergency leave which is denied.

(iii) The project sponsor fails to provide adequate support to the volunteer necessary for that volunteer to perform the assigned work, such as the sponsor's failure to provide materials to the volunteer which is necessary for the performance of the volunteer's work.

(c) "State Program Officer" means that ACTION official who is directly responsible at the first level for the project in which the volunteer is serving.

(d) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned volunteers.

(e) "Grievance Examiner" or "Examiner" means a person having the qualifications described in Appendix A who is appointed to conduct an inquiry or hearing with respect to a grievance.

(f) "National VISTA Grants Program" means a program operated under Part A, Title I of the Domestic Volunteer Service Act in which ACTION awards a grant to a national grantee to operate a VISTA Volunteer program on a national or multi-regional basis.

(g) "Local component" means a local office or project affiliate of a national grantee which has VISTA Volunteers assigned to it under the National VISTA Grants Program.

(h) The "Act" means the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, (42 U.S.C. 4951 *et seq.*), as amended.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-4 Policy.

It is ACTION's policy to provide volunteers the widest latitude to present their grievances and concerns to appropriate officials of ACTION and of sponsoring organizations. This regulation is designed to assure that the rights of individual volunteers are recognized and to provide formal ways for them to seek redress with confidence that they will obtain just treatment.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-5 Matters not covered.

Matters not within the definition of a grievance as defined in § 1211.1-3(b) are not eligible for processing under this procedure. The following are specific examples of excluded areas and are not intended as a complete listing of the matters excluded by this Part:

(a) The establishment of a volunteer project, its continuance or discontinuance, the number of volunteers assigned to it, increases or decreases in the level of support provided to a project, suspension or termination of a project, or selection and retention of project staff.

(b) Matters for which a separate administrative procedure is provided.

(c) The content of any law, published rule, regulation, policy or procedure.

(d) Matters which are, by law, subject to final administrative review outside ACTION.

(e) Actions taken in compliance with the terms of a contract, grant, or other agreement.

(f) The internal management of the ACTION Agency unless such management is specifically shown to individually and directly affect the volunteer's work situation or the terms and conditions of service as defined in § 1211.1-3(b).

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-6 Freedom to initiate grievances.

The initiation of a grievance shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that each supervisor and sponsor, as well as ACTION and its employees, maintain a healthy atmosphere in which a volunteer can speak freely and have frank discussions of problems. A volunteer who initiates a grievance shall not as a result of such an action be subjected to restraint, interference, coercion, discrimination or reprisal.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-7 Entitlement to representation.

A volunteer may be accompanied, represented, and advised by a representative of the volunteer's own choice at any stage of the proceeding. The volunteer shall designate his or her representative in writing. A person chosen by the volunteer must be willing to act as representative and have no conflict between his or her position and the subject matter of the grievance.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-8 Time for preparation and presentation.

(a) Both a volunteer and a volunteer's representative, if another volunteer or an employee of ACTION, must be given a reasonable amount of administrative leave from their assignments to present a grievance or appeal.

(b) ACTION will not pay travel expense or per diem travel allowances for either a volunteer or his or her representative in connection with the preparation of a grievance or appeal, except in connection with a hearing and the examination of the grievant file as provided in § 1211.1-12(c).

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(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-9 Access to agency records.

(a) A volunteer is entitled to review any material in his or her official volunteer folder and any relevant Agency documents to the extent permitted by the Freedom of Information Act and the Privacy Act, as amended, 5 U.S.C. 552, U.S.C. 552a. Examples of documents which may be withheld from volunteers include references obtained under a pledge of confidentiality, official volunteer folders of other volunteers, and privileged intra-agency documents.

(b) A volunteer may review relevant documents in the possession of a sponsor to the extent such documents are disclosable under the Freedom of Information Act and Privacy Act.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-10 Informal grievance procedure.

(a) Initiation of grievance. A volunteer may initiate a grievance within 15 calendar days after the event giving rise to the grievance occurs, or within 15 calendar days after becoming aware of the event. A grievance arising out of a continuing condition or practice that individually affects the volunteer may be brought at any time. A volunteer initiates a grievance by presenting it in writing to the chief executive officer of the sponsor, or the representative designated to receive grievances from volunteers. The designated representative may not be the immediate supervisor of volunteers assigned to the sponsor. The chief executive officer of the sponsor or the designated representative shall respond in writing to the grievance within five (5) working days after receipt. The chief executive officer or designee may not refuse to respond to a complaint on the basis that it is not a grievance as defined in § 1211.1-3(b), or that it is excluded from coverage under § 1211.1-5, but may, in the written response, refuse to grant the relief requested on either of these grounds.

If the grievance involves a matter over which the sponsor has no control, or if the chief executive officer is the immediate supervisor of the volunteer, the procedures described in this section may be omitted, and the volunteer may present the grievance in writing directly to the State Director or designee as described in paragraph (b) of this section within the time limits specified in this paragraph (a).

(b) Consideration by ACTION State Director or designee. If the matter is not resolved to the volunteer's satisfaction by the sponsor's chief executive officer, the volunteer may submit the grievance in writing to the ACTION State Director or designee within five (5) working days after receipt of the decision of the sponsor's chief executive officer. The State Director or designee may not refuse to receive a complaint, even if he or she believes it does not constitute a grievance, and shall respond to it in writing within five (5) working days after receipt. The response may indicate that the matter is not grievable. If the State Director or designee fails to meet the time limit for response, the volunteer may initiate a formal grievance.

(c) Discussion. All parties to the informal grievance procedure must be prepared to participate in full discussion of the grievance, and to permit the participation of others who may have knowledge of the circumstances of the grievance in the discussion. State Program Officers and other ACTION employees may participate in discussions and provide guidance with respect to ACTION policies and procedures, at the request of any party, even prior to submission of a grievance to them.

(d) Sponsor grievance procedure. A sponsor may substitute its own grievance procedure for the procedure described in paragraph (a) of this section. Any such procedure must provide the volunteer with an opportunity to present a grievance at least as comprehensive as that contained in this section, must meet the time limits of this section, and must be provided in writing to all volunteers. In order to utilize its own grievance procedures, the sponsor must obtain approval of the procedure from the ACTION State Director and file a copy of this approved procedure with the State Office.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-11 Initiation of formal grievance procedure.

(a) Submission of grievance to Regional Director. If a volunteer is dissatisfied with the response of the State Director or designee required by § 1211.1-10(b), he or she may present the grievance in writing to the Regional Director. To be eligible for the formal grievance procedure, the volunteer must have completed action under the informal procedure contained in § 1211.1-10 or have alleged that the State Director or designee exceeded the time specified for response.

(b) Contents of grievance. The volunteer's grievance must be in writing, contain sufficient detail to identify the subject matter of the grievance, specify the relief requested, and be signed by the volunteer or a person designated in writing by the volunteer to be the representative for the purpose of the grievance.

(c) Time limit. The volunteer must submit the grievance to the Regional Director or designee no later than 15 calendar days after receipt of the informal response by the State Director or designee. If no response is received by the volunteer 15 calendar days after the grievance is received by the State Director or designee, the volunteer may submit the grievance directly to the Regional Director or designee for consideration.

(d) Within ten (10) working days of the receipt of the grievance, the Regional Director or designee shall, in whole or in part, either decide it on its merits or reject the grievance. A grievance may be rejected, in whole or in part, for the following reasons:

(1) It was not filed within the time limit specified in paragraph (c) of this section, or

(2) The grievance consists of matters not contained within the definition of a grievance.

(e) Rejection of a grievance by the Regional Director or designee may be appealed by the volunteer within ten (10) days of receipt of the notice to the Office of General Counsel. The Office shall immediately request the grievance file from the Regional Director and, within five (5) working days of receipt of it, determine the appropriateness of the rejection. If the grievance was properly rejected by the Regional Director, the Office shall so notify the volunteer of its opinion and the reasons supporting it, and that such rejection is the final Agency decision in the matter. If the Office determines that the grievance was improperly rejected, it shall return the grievance to the Regional Director for a determination on its merits by the Regional Director. Within ten (10) working days of such notification and receipt of the grievance file, the Regional Director or designee shall notify the volunteer in writing of the decision on the merits and specify the grounds for the decision and of the volunteer's right to appeal.

(f) Time Limit. If a volunteer is dissatisfied with the decision of the Regional Director or designee on the merits of the grievance, he or she shall notify the Regional Director within five (5) calendar days from receipt of the decision and request the appointment of an Examiner. If the volunteer receives no response from the Regional Director or Office of General Counsel as required by paragraph (d) and (e) of this section within five (5) calendar days after the

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prescribed time limits, the volunteer may request in writing that the Regional Director appoint a Grievance Examiner. Upon receipt of this request, the Regional Director or designee shall appoint within five (5) calendar days an Examiner who shall possess the qualifications specified in Appendix A to this part.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-12 Investigation by Grievance Examiner.

(a) Scope of investigation. The Examiner shall conduct an investigation of a nature and scope appropriate to the issues involved in the grievance.

Unless waived by the volunteer, a hearing must be held if the Examiner finds that the grievance involves disputed questions of fact that go to the heart of the agency determination. Only those facts found necessary by the Examiner on which to base his or her findings go to the heart of the Agency determination.

If the grievance does not involve such disputed questions of fact, or if the volunteer waives a hearing, the Examiner need not hold a hearing but must provide the parties an opportunity for presentation of their respective positions. At the Examiner's discretion, the investigation may include:

(1) The securing of documentary evidence.

(2) Personal interviews, including telephone interviews.

(3) Group meetings.

(4) Affidavits, written interrogatories or depositions.

(b) Conduct of Hearing. If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making his or her decision.

(2) Attendance at the hearing will be limited to persons determined by the Examiner to have a direct connection with the grievance. If requested by the volunteer, the Examiner must open the hearing to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Formal rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) Witnesses. (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his or her initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least ten (10) calendar days before the date of the hearing. The Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination or reprisal for presenting their testimony.

(5) The Examiner must authorize payment of travel expenses and per diem at standard Government rates for the volunteer and the representative to attend the hearing. Payment of travel expenses and per diem at standard Government rates for other witnesses to attend the hearing are authorized only after the Examiner determines that the required testimony cannot be satisfactorily obtained by affidavit, written interrogatories, or deposition, at a lesser cost.

(d) Recording of Hearing. A grievant may make a recording of the hearing at his or her own expense if no verbatim transcript is made. Such a recording is in no way to be treated as the official transcript of the hearing.

(e) Report of Hearing. The Examiner shall normally prepare a written summary of the hearing which shall include all documents and exhibits submitted to and accepted by the Examiner during the course of the grievance. An Examiner may require a verbatim transcript if he or she determines that the grievance is so complex as to require such a transcript. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings. If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. In such cases, the summary together with exhibits shall constitute the report of the hearing. The parties are entitled to submit written exceptions to any part of the summary, and these written exceptions shall be made part of the record of proceedings.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-13. Grievance file and examiner's report.

(a) Preparation and content. The Examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. The file shall also contain the Examiner's report of findings and recommendations.

(b) Review by volunteer. On completion of the inquiry, the Examiner shall make the grievance file available to the volunteer and the representative, if any, for review and comment. Their coments, if any, shall be submitted to the Examiner within five (5) calendar days after the file is made available and shall be included in the file.

(c) Examiner's report. After the volunteer has been given an oppostunity to review the grievance file, the Examiner shall submit the complete grievance file to the Director of VISTA.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-14. Final determination by Director of VISTA.

The Director of VISTA or designee shall issue a written decision on the appeal to the volunteer within ten (10) working days after receipt of the appeal file. The decision shall include a statement of the basis for the determination, and shall be the final Agency decision.

(Secs. 104(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

§ 1211.1-15. Disposition of grievance appeal files.

All grievance appeal files shall be retained by the Director of VISTA after the grievance has been settled, or a final decision has been made and implemented. No part of a grievance or appeal file may be made part of, or included in, a volunteer's official folder.

§ 1211.1-16. Grievance procedure for national VISTA grant volunteers.

The grievance procedure for National VISTA Grant Volunteers shall be the same as that provided in this part with the following substitutions of officials:

(a) Informal grievance procedure:

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(1) The initiation of an informal grievance for a National Grant VISTA, see Section 1211.1-10, shall normally be to the sponsor of the local component. If the grievance involves a matter solely within the control of the ACTION State Office, the volunteer may present the grievance to the State Director or designee in lieu of the local component sponsor.

(2) If the volunteer is not satisfied with the response of the appropriate official (sponsor of local component, or State Director or designee), the volunteer may submit the grievance to the chief executive of the national grantee.

(b) Formal grievance procedure.

The Chief, VISTA Program Development Branch or designee shall replace the Regional Director as the official in § 1211.1-11.

(Secs. 103(d), 402(14), 420, Pub. L. 93-113, 87 Stat. 398, 407, and 414)

Appendix A—Standards for Examiners

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) Current or former federal employees now or formerly in grade GS-12 or equivalent, or above who have:

(a) At least four (4) years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an Examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to:

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situations, make an objective and logical determinationn of the pertinent facts; evaluate the facts, and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively, orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of:

The relationship between volunteer administration and overall management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Office of Personnel Management register for Examiners GS-935-0.

(4) Membership in good standing in the National Academy of Arbitrators.

Signed at Washington, D.C. this 4th day of June, 1980.

Sam Brown,

Director.

[FR Doc. 80-17550 Filed 6-9-80; 8:45 am]

BILLING CODE 6050-01-M

APPENDIX XIII

Volunteer Discrimination Complaint Procedure (45CFR Part 1225)

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ACTION

PEACE CORPS

45 CFR Part 1225

Volunteer Discrimination Complaint Procedure

AGENCY: ACTION and Peace Corps.

ACTION: Final regulation.

SUMMARY: This regulation establishes a procedure for the handling of allegations of discrimination based on race, color, national origin, religion, age, sex, handicap, or political affiliation which arise in connection with the enrollment or service of full-time Volunteers in Peace Corps and ACTION.

EFFECTIVE DATE: This regulation shall take effect on February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bart Crivella, Director, Division of Equal Opportunity, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525 (202) 254–5940.

SUPPLEMENTARY INFORMATION: Section 12 of the Domestic Volunteer Service Act Amendments of 1979 (Pub. L. 96–143) extended to applicants for enrollment and Volunteers serving under both the Peace Corps Act (22 U.S.C. 2501 et seq.) and the Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.) the nondiscrimination policies and authorities set forth in Section 717 of the Civil Rights Act of 1964, Title V of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. That section further directed that any remedies available to individuals under such laws, other than the right to appeal to the Civil Service Commission authorized by Section 717 of the Civil Rights Act of 1964, and transferred to the Equal Employment Opportunity Commission by Reorganization Plan Number 1 of 1978, shall be available to such applicants or Volunteers.

This amendment was necessary to ensure that such Volunteers were within the scope of the nondiscrimination provisions of the three cited Acts, since those Acts apply to either employees or recipients of Federal financial assistance. Under Section 5(a) of the Peace Corps Act and Section 415 of the Domestic Volunteer Service Act, Volunteers are not deemed Federal employees except for certain stated purposes. Furthermore, such Volunteers are not treated as recipients of Federal financial assistance.

However, aware of the unique status of domestic and international Volunteers, Congress, in extending the protection of the cited Acts to the Volunteers, did not require the *per se* adoption of the rules, regulations, and procedures extant under such Acts, but rather required that the Director, after consultation with certain designated entities, prescribe regulations specifically tailored to the circumstances of such Volunteers.

As required by statute in prescribing these regulations, ACTION and Peace Corps have consulted with the following entities: (1) The Equal Employment Opportunity Commission (EEOC) with regard to the application of the policies set forth in Section 717 of the Civil Rights Act of 1964; (2) the Interagency Coordinating Council and the Interagency Committee on Handicapped Employees with regard to the application of the policies set forth in Title V of the Rehabilitation Act of 1973; and (3) the Secretary of Health and Human Services, with regard to the application of the policies set forth in the Age Discrimination Act of 1975. This consultation process has been completed.

The proposed rule was published in the **Federal Register** for comment on September 19, 1980 (45 FR 62512). The Agency has considered the public comments received and has determined to adopt the proposed regulation with certain modifications. Discussed below are the provisions of the final regulation and the major public comments received in response to the proposed rule. While this regulation has been developed with consideration of comments from the public, as a matter involving Volunteers, it is exempt from the requirements of Executive Order 12044, "Improving Government Regulations."

I. Complaint Procedure

These regulations apply to the recruitment, selection, placement, service, or termination of Peace Corps or ACTION applicants, trainees, and Volunteers for full-time service in either a domestic or international program. They require that an aggrieved party who believes that he or she has been discriminated against must first meet with a Counselor to attempt an informal resolution of the matter. If this fails, a formal complaint may be filed with the Director of the Equal Opportunity Division of the Office of Compliance ACTION (EO Director). When the complaint is accepted, an investigation into the matter will be performed and submitted to both the EO Director and the complainant. The EO Director shall review the complaint file, including any additional statements provided by the complainant, and shall offer an adjustment of the complain, if it is warranted. If this adjustment is not acceptable to the complainant, or if the EO Director determines that such an offer is not warranted by the circumstances of the complaint, the file, including the EO Director's recommendation, will be forwarded to the appropriate agency Director for decision. The complainant will be notified of this action and of his or her right to appeal the recommendation. Upon receipt and review of the complaint file and any additional matter submitted by the complainant, the Director shall issue a final agency decision in writing to the complainant. If the complainant is dissatisfied with the final agency decision, the complainant may file in a timely manner a civil action alleging discrimination in the appropriate U.S. District Court.

II. Discussion of Comments Received

The Agency received a total of four (4) written comments—from one of the consultative agencies, from agency officials, and from a member of the public. The majority of such comments were of a technical nature and were incorporated into the final regulations. However, four (4) substantive issues dealt with in the proposed regulations were reviewed due to public comment.

Procedure for allegations of reprisal. The Interagency Coordinating Council in its role as a consultative agency recommended that the regulations should include a section that provides a procedure for persons alleging reprisal or retaliatory actions. The proposed regulation in § 1225.6 merely states that such persons will be free from restraint, coercion, discrimination, or reprisal at any stage of the complaint and pre-complaint procedure. Accordingly, § 1225.7 has been added which provides a procedure whereby such complaints will be handled.

Provision of Attorney Fees. A comment was received that suggested that the presently proposed section involving the provision of attorney fees (§ 1225.5) be expanded to authorize payment to representatives other than attorneys. After consideration, and discussion with the equal Employment Opportunity Commission, it was determined that the provision of fees should remain limited to attorneys. This is in accordance with the EEOC guidelines in this area (interim revised regulations published April 9, 1980; 45 FR 24130–33) issued to comply with several court decisions extending the statutory provision for attorney fees in a civil action to that work done during the administrative processing of a complaint. Therefore, this final

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regulation has retained the authorization for attorney fees in accordance with the interim regulations of the EEOC, and in accordance with the courts' interpretation of Sections 706(k) and 717 of Title VII of the Civil Rights Act of 1964, as amended. (42 U.S.C. 2000e–16).

Time Limitations. A comment was received from the public that suggested that a fixed time limit should be imposed for the instigation and completion of investigations to insure even and prompt agency enforcement. The Agency does not believe a fixed time limit is necessary in this circumstance for two reasons. First, the aggrieved party has the option to file a civil action in the appropriate U.S. District Court after one hundred eighty (180) calendar days from the date of filing a complaint if there has been no final agency action (§ 1225.21). Second, given the diverse circumstances under which discrimination may be alleged due to the wide geographic area in which Peace Corps and domestic Volunteers serve, the Agency believes a fixed time limit would be impractical and that the commitment presently given in the regulations to investigate and promptly process complaints is a sufficient safeguard.

Corrective Action. As proposed, the section (§ 1225.10) states that although the agency is committed to placing the aggrieved Volunteer in the same position held prior to his or her early termination, several programmatic considerations such as the continued availability of the position or program, and acceptance by the host country to the placement may preclude such placement. The final regulation states that if the same position is deemed no longer available, the agency will attempt to place the aggrieved party in as similar a position as possible to the original position. However, this could result in an aggrieved party being required to undergo additional training and to make a new, full-term commitment to another volunteer position. In order to lessen the inconvenience that may result from such an extension of an aggrieved party's volunteer commitment, the final regulation will allow the Volunteer to exercise the option to resign for reasons beyond his or her control. This option will qualify the Volunteer, if in service for at least a year, for a certificate of satisfactory service, which entitles him or her to the benefits of non-competitive eligibility.

Accordingly, Part 1225 is added, as follows, to Title 45 of the Code of Federal Regulations:

PART 1225—VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Subpart A—General Provisions

Sec.
1225.1 Purpose.
1225.2 Policy.
1225.3 Definitions.
1225.4 Coverage.
1225.5 Representation.
1225.6 Freedom from reprisal.
1225.7 Review of allegations of reprisal.

Subpart B—Processing Individual Complaints of Discrimination

1225.8 Precomplaint procedure.
1225.9 Complaint procedure.
1225.10 Corrective action.
1225.11 Amount of attorney fees.

Subpart C—Processing Class Complaints of Discrimination

1225.12 Precomplaint procedure.
1225.13 Acceptance, rejection, or cancellation of complaint.
1225.14 Consolidation of complaints.
1225.15 Notification and opting out.
1225.16 Investigation and adjustment of complaint.
1225.17 Agency decision.
1225.18 Notification of class members of decision.
1225.19 Corrective action.
1225.20 Claim appeals.
1225.21 Statutory rights.

Authority: Secs. 417, 402(14), 420, Pub. L. 93–113, 87 Stat. 398, 407, and 414; Sec. 5(a), Pub. L. 87–293, 75 Stat. 613; Executive Order 12137, issued May 16, 1979.

Subpart A—General Provisions

§ 1225.1 Purpose.

The purpose of this part is to establish a procedure for the filing, investigation, and administrative determination of allegations of discrimination based on race, color, national origin, religion, age, sex, handicap or political affiliation, which arise in connection with the recruitment, selection, placement, service, or termination of Peace Corps and ACTION applicants, trainees, and Volunteers for full-time service.

§ 1225.2 Policy.

It is the policy of Peace Corps and ACTION to provide equal opportunity in all its programs for all persons and to prohibit discrimination based on race, color, national origin, religion, age, sex, handicap or political affiliation, in the recruitment, selection, placement, service, and termination of Peace Corps and ACTION Volunteers. It is the policy of Peace Corps and ACTION upon determining that such prohibited discrimination has occurred, to take all necessary corrective action to remedy the discrimination, and to prevent its recurrence.

§ 1225.3 Definitions.

Unless the context requires otherwise, in this Part:

(a) "Director" means the Director of Peace Corps for all Peace Corps applicant, trainee, or Volunteer complaints processed under this Part, or the Director of ACTION for all domestic applicant, trainee, or Volunteer complaints processed under this Part. The term shall also refer to any designee of the respective Director.

(b) "EO Director" means the Director of the Equal Opportunity Division of the Office of Compliance, ACTION. The term shall also refer to any designee of the EO Director.

(c) "Illegal discrimination" means discrimination on the basis of race, color, national origin, religion, age, sex, handicap or political affiliation as defined in Section 5(a) of the Peace Corps Act (22 U.S.C. 2504); Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000–16); Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791, et seq.); and the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.). Further clarification of the scope of matters covered by this definition may be obtained by referring to the following regulations: Sex Discrimination: 29 CFR Part 1604; Religious Discrimination: 29 CFR Part 1605; National Origin Discrimination: 29 CFR Part 1606; Age Discrimination: 45 CFR Part 90; Handicap Discrimination: 29 CFR 1613.701–707.

(d) "Applicant" means a person who has submitted to the appropriate agency personnel a completed application required for consideration of eligibility for Peace Corps or ACTION volunteer service. "Applicant" may also mean a person who alleges that the actions of agency personnel precluded him or her from submitting such an application or any other information reasonably required by the appropriate personnel as necessary for a determination of the individual's eligibility for volunteer service.

(e) "Trainee" means a person who has accepted an invitation issued by Peace Corps or ACTION and has registered for Peace Corps or ACTION training.

(f) "Volunteer" means a person who has completed successfully all necessary training; met all clearance standards; has taken, if required, the oath prescribed in either Section 5(j) of the Peace Corps Act (22 U.S.C. 2504), or Section 104(c) of the Volunteer Service Act of 1973, as amended (42 U.S.C. 104(c)) and has been enrolled as a full-time Volunteer by the appropriate agency.

(g) "Complaint" means a written statement signed by the complainant and submitted to the EO Director. A

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complaint shall set forth specifically and in detail:

(1) A description of the Peace Corps or ACTION management policy or practice, if any, giving rise to the complaint;

(2) A detailed description including names and dates, if possible, of the actions of the Peace Corps or ACTION officials which resulted in the alleged illegal discrimination;

(3) The manner in which the Peace Corps or ACTION action directly affected the complainant; and

(4) The relief sought.

A complaint shall be deemed filed on the date it is received by the appropriate agency official. When a complaint does not conform with the above definition, it shall nevertheless be accepted. The complainant shall be notified of the steps necessary to correct the deficiencies of the complaint. The complainant shall have 30 days from his or her receipt of notification of the complaint defects to resubmit an amended complaint.

(h) "Counselor" means an official designated by the EO Director to perform the functions of conciliation as detailed in this part.

(i) "Agent" means a class member who acts for the class during the processing of a class complaint. In order to be accepted as the agent for a class complaint, in addition to those requirements of a complaint found in § 1225.3(g) of this part, the complaint must meet the requirements for a class complaint as found in Subpart C of these regulations.

§ 1225.4 Coverage.

(a) These procedures apply to all Peace Corps or ACTION applicants, trainees, and Volunteers throughout their term of service with the Peace Corps or ACTION. When an applicant, trainee, or Volunteer makes a complaint which contains an allegation of illegal discrimination in connection with an action that would otherwise be processed under a grievance, early termination, or other administrative system of the agency, the allegation of illegal discrimination shall be processed under this Part. At the discretion of the appropriate Director, any other issues raised may be consolidated with the discrimination complaint for processing under these regulations. Any issues which are not so consolidated shall continue to be processed under those procedures in which they were originally raised.

(b) The submission of class complaints alleging illegal discrimination as defined above will be handled in accordance with the procedure outlined in Subpart C.

§ 1225.5 Representation.

Any aggrieved party may be represented and assisted in all stages of these procedures by an attorney or representative of his or her own choosing. An aggrieved party must immediately inform the agency if counsel is retained. Attorney fees or other appropriate relief may be awarded in the following circumstances:

(a) Informal adjustment of a complaint. An informal adjustment of a complaint may include an award of attorney fees or other relief deemed appropriate by the EO Director. Where the parties agree on an adjustment of the complaint, but cannot agree on whether attorney fees or costs should be awarded, or on their amount, this issue may be appealed to the appropriate Director to be determined in the manner detailed in § 1225.11 of this Part.

(b) Final Agency Decision. When discrimination is found, the appropriate Director shall advise the complainant that any request for attorney fees or costs must be documented and submitted for review within 20 calendar days after his or her receipt of the final agency decision. The amount of such awards shall be determined under § 1225.11. In the unusual situation in which it is determined not to award attorney fees or other costs to a prevailing complainant, the appropriate Director in his or her final decision shall set forth the specific reasons thereof.

§ 1225.6 Freedom from reprisal.

Aggrieved parties, their representatives, and witnesses will be free from restraint, interference, coercion, discrimination, or reprisal at any stage in the presentation and processing of a complaint, including the counseling stage described in § 1225.8 of this part, or any time thereafter.

§ 1225.7 Review of allegations of reprisal.

An aggrieved party, his or her representative, or a witness who alleges restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of a complaint under this part, may, if covered by this part, request in writing that the allegation be reviewed as an individual complaint of discrimination subject to the procedures described in Subpart B or that the allegation be considered as an issue in the complaint at hand.

Subpart B—Processing Individual Complaints of Discrimination

§ 1225.8 Precomplaint procedure.

(a) An aggrieved person who believes that he or she has been subject to illegal dicrimination shall bring such allegations to the attention of the appropriate Counselor within 30 days of the alleged discrimination to attempt to resolve them. The process for notifying the appropriate Counselor is the following:

(1) Aggrieved applicants, trainees or Volunteers who have not departed for overseas assignments, or who have returned to Washington for any administrative reason shall direct their allegations to the EO Director for assignment to an appropriate Counselor.

(2) Aggrieved trainees or Volunteers overseas shall direct their allegations to the designated Counselor for that post.

(3) Aggrieved applicants, trainees, and Volunteers applying for, or enrolled in ACTION domestic programs shall direct their allegations to the designated Counselor for that Region.

(b) Upon receipt of the allegation, the Counselor or designee shall make whatever inquiry is deemed necessary into the facts alleged by the aggrieved party and shall counsel the aggrieved party for the purpose of attempting an informal resolution agreeable to all parties. The Counselor will keep a written record of his or her activities which will be submitted to the EO Director if a formal complaint concerning the matter is filed.

(c) If after such inquiry and counseling an informal resolution to the allegation is not reached, the Counselor shall notify the aggrieved party in writing of the right to file a complaint of discrimination with the EO Director within 15 calendar days of the aggrieved party's receipt of the notice.

(d) The Counselor shall not reveal the identity of the aggrieved party who has come to him or her for consultation, except when authorized to do so by the aggrieved party. However, the identity of the aggrieved party may be revealed once the agency has accepted a complaint of discrimination from the aggrieved party.

§ 1225.9 Complaint procedure.

(a) *EO Director.* (1) The EO Director must accept a complaint if the process set forth above has followed, and the complaint states a charge of illegal discrimination. The agency will extend the time limits set herein (a) when the complainant shows that he or she was not notified of the time limits and was not otherwise aware of them, or (b) the complainant shows that he or she was

prevented by circumstances beyond his or her control from submitting the matter in a timely fashion, or (c) for other reasons considered sufficiently by the agency. At any time during the complaint procedure, the EO Director may cancel a complaint because of failure of the aggrieved party to prosecute the complaint. If the complaint is rejected for failure to meet one or more of the requirements set out in the procedure outlined in § 1225.8 or is cancelled, the EO Director shall inform the aggrieved party in writing of this Final Agency Decision, that the Peace Corps or ACTION will take no further action, and of the right to file a civil action as described in § 1225.21 of this part.

(2) Upon acceptance of the complaint and receipt of the Counselor's report, the EO Director shall provide for the prompt investigation of the complaint. Whenever possible, the person assigned to investigate the complaint shall occupy a position in the agency which is not, directly or indirectly, under the jurisdiction of the head of that part of the agency in which the complaint arose. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred, and any other circumstances which may constitute, or appear to constitute discrimination against the complainant. The investigator shall compile an investigative file, which includes a summary of the investigation, recommended findings of fact and a recommended resolution of the complaint. The investigator shall forward the investigative file to the EO Director and shall provide the complainant with a copy.

(3) The EO Director shall review the complaint file including any additional statements provided by the complainant, make findings of fact, and shall offer an adjustment of the complaint if the facts support the complaint. If the proposed adjustment is agreeable to all parties, the terms of the adjustment shall be reduced to writing, signed by both parties, and made part of the complaint file. A copy of the terms of the adjustment shall be provided the complainant. If the proposed adjustment of the complaint is not acceptable to the complainant, or the EO Director determines that such an offer is inappropriate, the EO Director shall forward the complaint file with a written notification of the findings of facts, and his or her recommendation of the proposed disposition of the complaint to the appropriate Director. The aggrieved party shall receive a copy of the notification and recommendation and shall be advised of the right to appeal the recommended disposition to the appropriate Director. Within ten (10) calendar days of receipt of such notice, the complainant may submit his or her appeal of the recommended disposition to the appropriate Director.

(b) *Appeal to Director.* If no timely notice of appeal is received from the aggrieved party, the appropriate Director or designee may adopt the proposed disposition as the Final Agency Decision. If the aggrieved party appeals, the appropriate Director or designee, after review of the total complaint file, shall issue a decision to the aggrieved party. The decision of the appropriate Director shall be in writing, state the reasons underlying the decision, shall be the Final Agency Decision, shall inform the aggrieved party of the right to file a civil action as described in § 1225.21 of this part, and, if appropriate, designate the procedure to be followed for the award of attorney fees or costs.

§ 1225.10 Corrective action.

When it has been determined by Final Agency Decision that the aggrieved party has been subjected to illegal discrimination, the following corrective actions may be taken:

(a) Selection as a Trainee for aggrieved parties found to have been denied selection based on prohibited discrimination.

(b) Reappointment to Volunteer service for aggrieved parties found to have been early-terminated as a result of prohibited discrimination. To the extent possible, a Volunteer will be placed in the same position previously held. However, reassignment to the specific country of prior service, or to the specific position previously held, is contingent on several programmatic considerations such as the continued availability of the position, or program in that country, and acceptance by the host country of such placement. If the same position is deemed to be no longer available, the aggrieved party will be offered a reassignment to a position in as similar circumstances to the position previously held, or to resign from service for reasons beyond his or her control. Such a reassignment may require both additional training and an additional two year commitment to volunteer service.

(c) Provision for reasonable attorney fees and other costs incurred by the aggrieved party.

(d) Such other relief as may be deemed appropriate by the Director of Peace Corps or ACTION.

§ 1225.11 Amount of Attorney fees.

(a) When a decision of the agency provides for an award of attorney's fees or costs, the complainant's attorney shall submit a verified statement of costs and attorney's fees as appropriate, to the agency within 20 days of receipt of the decision. A statement of attorney's fees shall be accompanied by an affidavit executed by the attorney of record itemizing the attorney's charges for legal services. Both the verified statement and the accompanying affidavit shall be made a part of the complaint file. The amount of attorney's fees or costs to be awarded the complainant shall be determined by agreement between the complainant, the complainant's representative and the appropriate Director. Such agreement shall immediately be reduced to writing. If the complainant, the representative and the agency cannot reach an agreement on the amount of attorney's fees or costs within 20 calendar days of receipt of the verified statement and accompanying affidavit, the appropriate Director shall issue a decision determining the amount of attorney fees or costs within 30 calendar days of receipt of the statement and affidavit. Such decision shall include the specific reasons for determining the amount of the award.

(b) The amount of attorney's fees shall be made in accordance with the following standards: the time and labor required, the novelty and difficulty of the questions, the skills requisite to perform the legal service properly, the preclusion of other employment by the attorney due to acceptance of the case, the customary fee, whether the fee is fixed or contingent, time limitation imposed by the client or the circumstances, the amount involved and the results obtained, the experience, reputation, and ability of the attorney, the undesirability of the case, the nature and length of the professional relationship with the client, and the awards in similar cases.

Subpart C—Processing Class Complaints of Discrimination

§ 1225.12 Precomplaint procedure.

An applicant, trainee or Volunteer who believes that he or she is among a group of present or former Peace Corps or ACTION Volunteers, trainees, or applicants for volunteer service who have been illegally discriminated against and who wants to be an agent for the class shall follow those precomplaint procedures outlined in § 1225.8 of this part.

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§ 1225.13 Acceptance, rejection or cancellation of complaint.

(a) Upon receipt of a class complaint, the Counselor's report, and any other information pertaining to timeliness or other relevant circumstances related to the complaint, the EO Director shall review the file to determine whether to accept or reject the complaint, or a portion thereof, for any of the following reasons:

(1) It was not timely filed;

(2) It consists of an allegation which is identical to an allegation contained in a previous complaint filed on behalf of the same class which is pending in the agency or which has been resolved or decided by the agency;

(3) It is not within the purview of this subpart;

(4) The agent failed to consult a Counselor in a timely manner;

(5) It lacks specificity and detail;

(6) It was not submitted in writing or was not signed by the agent;

(7) It does not meet the following prerequisites.

(i) The class is so numerous that a consolidated complaint of the members of the class is impractical;

(ii) There are questions of fact common to the class;

(iii) The claims of the agent of the class are representative of the claims of the class;

(iv) The agent of the class, or his or her representative will fairly and adequately protect the interest of the class.

(b) If an allegation is not included in the Counselor's report, the EO Director shall afford the agent 15 calendar days to explain whether the matter was discussed and if not, why he or she did not discuss the allegation with the Counselor. If the explanation is not satisfactory, the EO Director may decide to reject the allegation. If the explanation is satisfactory, the EO Director may require further counseling of the agent.

(c) If an allegation lacks specificity and detail, or if it was not submitted in writing or not signed by the agent, the EO Director shall afford the agent 30 days from his or her receipt of notification of the complaint defects to resubmit an amended complaint. The EO Director may decide that the agency reject the complaint if the agent fails to provide such information within the specified time period. If the information provided contains new allegations outside the scope of the complaint, the EO Director must advise the agent how to proceed on an individual or class basis concerning these allegations.

(d) The EO Director may extend the time limits for filing a complaint and for consulting with a Counselor when the agent, or his or her representative, shows that he or she was not notified of the prescribed time limits and was not otherwise aware of them or that he or she was prevented by circumstances beyond his or her control from acting within the time limit.

(e) When appropriate, the EO Director may determine that a class be divided into subclasses and that each subclass be treated as a class, and the provisions of this section then shall be construed and applied accordingly.

(f) The EO Director may cancel a complaint after it has been accepted because of failure of the agent to prosecute the complaint. This action may be taken only after:

(1) The EO Director has provided the agent a written request, including notice of proposed cancellation, that he or she provide certain information or otherwise proceed with the complaint; and

(2) within 30 days of his or her receipt of the request.

(g) An agent must be informed by the EO Director in a request under paragraphs (b) or (c) of this section that his or her complaint may be rejected if the information is not provided.

§ 1225.14 Consolidation of complaints.

The EO Director may consolidate the complaint if it involves the same or sufficiently similar allegations as those contained in a previous complaint filed on behalf of the same class which is pending in the agency or which has been resolved or decided by the agency.

§ 1225.15 Notification and opting out.

(a) Upon acceptance of a class complaint, the agency, within 30 calendar days, shall use reasonable means, such as delivery, mailing, distribution, or posting, to notify all class members of the existence of the class complaint.

(b) A notice shall contain: (1) The name of the agency or organizational segment thereof, its location and the date of acceptance of the complaint; (2) a description of the issues accepted as part of the class complaint; (3) an explanation that class members may remove themselves from the class by notifying the agency within 30 calendar days after issuance of the notice; and (4) an explanation of the binding nature of the final decision or resolution of the complaint.

§ 1225.16 Investigation and adjustment of complaint.

The complaint shall be processed promptly after it has been accepted. Once a class complaint has been accepted, the procedure outlined in § 1225.9 of this part shall apply.

§ 1225.17 Agency decision.

(a) If an adjustment of the complaint cannot be made the procedures outlined in § 1225.9 shall be followed by the EO Director except that any notice required to be sent to the aggrieved party shall be sent to the agent of the class or his or her representative.

(b) The Final Agency Decision on a class complaint shall be binding on all members of the class.

§ 1225.18 Notification of class members of decision.

Class members shall be notified by the agency of the final agency decision and corrective action, if any, using at the minimum, the same media employed to give notice of the existence of the class complaint. The notice, where appropriate, shall include information concerning the rights of class members to seek individual relief and of the procedures to be followed. Notice shall be given by the agency within ten (10) calendar days of the transmittal of its decision to the agent.

§ 1225.19 Corrective action.

(a) When discrimination is found, Peace Corps or ACTION must take appropriate action to eliminate or modify the policy or practice out of which such discrimination arose, and provide individual corrective action to the agent and other class members in accordance with § 1225.10 of this part.

(b) When discrimination is found and a class member believes that but for that discrimination he or she would have been accepted as a Volunteer or received some other volunteer service benefit, the class member may file a written claim with the EO Director within thirty (30) calendar days of notification by the agency of its decision.

(c) The claim must include a specific, detailed statement showing that the claimant is a class member who was affected by an action or matter resulting from the discriminatory policy or practice which arose not more than 30 days preceding the filing of the class complaint.

(d) The agency shall attempt to resolve the claim within sixty (60) calendar days after the date the claim was postmarked, or, in the absence of a postmark, within sixty (60) calendar days after the date it was received by the EO Director.

§ 1225.20 Claim appeals.

(a) If the EO Director and claimant do not agree that the claimant is a member of the class, or upon the relief to which

the claimant is entitled, the EO Director shall refer the claim, with recommendations concerning it to the appropriate Director for Final Agency Decision and shall so notify the claimant. The class member may submit written evidence to the appropriate Director concerning his or her status as a member of the class. Such evidence must be submitted no later than ten (10) calendar days after receipt of referral.

(b) The appropriate Director shall decide the issue within thirty (30) days of the date of referral by the EO Director. The claimant shall be informed in writing of the decision and its basis and that it will be the Final Agency Decision on the issue.

§ 1225.21 Statutory rights.

(a) A Volunteer, trainee, or applicant is authorized to file a civil action in an appropriate U.S. District Court:

(1) Within thirty (30) calendar days of his or her receipt of notice of final action taken by the agency.

(2) After one hundred eighty (180) calendar days from the date of filing a complaint with the agency if there has been no final agency action.

(b) For those complaints alleging discrimination that occur outside the United States, the U.S. District Court for the District of Columbia shall be deemed the appropriate forum.

Signed at Washington, D.C., this 19th day of December 1980.

Sam Brown,

Director of ACTION.

Richard F. Celeste,

Director of Peace Corps.

[FR Doc. 81-231 Filed 1-5-81; 8:45 am]

BILLING CODE 6050-01-M

PEACE CORPS

22 CFR Part 306

Volunteer Discrimination Complaint Procedure

AGENCY: Peace Corps.

ACTION: Final regulation.

SUMMARY: This regulation establishes a procedure for the handling of allegations of discrimination based on race, color, national origin, religion, age, sex, handicap, or political affiliation which arise in connection with the enrollment or service of full-time Volunteers in both Peace Corps and ACTION programs.

EFFECTIVE DATE: This part shall take effect on February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bart Crivella, Director, Division of Equal Opportunity, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525 (202) 254-5940.

SUPPLEMENTARY INFORMATION: In a document published elsewhere in this part of today's **Federal Register**, ACTION issues a final regulation establishing a procedure for handling allegations of discrimination by volunteers. That regulation is codified at 45 CFR Part 1225. The proposed rule was published in the **Federal Register** for comment on September 19, 1980 (45 FR 62512). As detailed in the ACTION document today, the Agency has considered comments in the formulation of its final rule.

In this document, the Peace Corps adds a new part to its regulations in 22 CFR which indicates that the ACTION regulation in 45 CFR Part 1225 is applicable to Peace Corps volunteers.

Signed at Washington, D.C., this 19th day of December, 1980.

Richard F. Celeste,

Peace Corps Director.

Accordingly, a new Part 306 is added to 22 CFR Chapter III to read as follows:

PART 306—VOLUNTEER DISCRIMINATION COMPLAINT PROCEDURE

Cross Reference: ACTION regulations concerning the volunteer discrimination complaint procedure, appearing in 45 CFR Part 1225, are applicable to Peace Corps volunteers.

(Secs. 417, 402(14), 420, Pub. L. 93-113, 87 Stat. 396, 407, and 414; Sec. 5(a), Pub. L. 87-293, 75 Stat. 613; Executive Order 12137, issued May 16, 1979)

[FR Doc. 81-345 Filed 1-6-81; 8:45 am]

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APPENDIX XIV

Prohibition of Electoral and Lobbying Activities for Domestic Volunteers (45 CFR Part 1226)

ACTION

45 CFR Part 1226

Prohibitions on Electoral and Lobbying Activities

AGENCY: Action.

ACTION: Final regulation.

SUMMARY: These are the final regulations implementing restrictions on certain volunteer activity related to the use of appropriated funds in connection with electoral and lobbying activities. Certain revisions have been made in response to comments and suggestions from volunteers, program sponsors, and other members of the public.

DATE: This regulation shall take effect on March 13, 1981.

FOR FURTHER INFORMATION CONTACT: Barbara J. Kelley, General Counsel, ACTION, 806 Connecticut Avenue NW Washington, D.C. 20525 (202) 254-3116.

SUPPLEMENTARY INFORMATION: Section 403 of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113, as amended) prohibits the involvement of volunteer programs or the use of funds in election activities, voter registration activities and in providing transportation to the polls. Under the 1979 amendments to the Domestic Volunteer Service Act (Public Law 96-143, December 13, 1979), subsection 403(b)(2) was added which also prohibits the involvement of such programs in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative

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petition. The Director of ACTION is required, under subsection 403(c), to adopt rules enforcing the restrictions contained in this section, and such rules must be in accord with the specific provision as well as the broad legislative intent. In addition, Section 415(b) of the Act makes the Hatch Act, Subchapter III of Chapter 73, Title 5, United States Code, applicable to certain volunteers serving under the Domestic Volunteer Service Act. A proposed regulation implementing these provisions was published on December 8, 1980 in the Federal Register for comment.

The Agency has considered the public comments received and has determined to adopt the proposed regulations with some modifications. Discussed below are the provisions of the final regulation and the major public comments the Agency received in response to its proposed regulation. While this regulation has been developed with consideration of comments from the public, as a matter involving volunteers, it is exempt from the requirements of Executive Order 12044, Improving Government Regulations.

I. Description of the Regulation

This regulation prescribes certain areas of activity prohibited under the Domestic Volunteer Service Act of 1973, as amended. Also included are provisions under the Hatch Act which are applicable to full time and certain part time volunteers enrolled in programs authorized under Title I of the Domestic Volunteer Service Act.

The approach of this regulation is twofold: (1) Restrictions on the assignment of ACTION volunteers to or the receipt of funds by certain organizations because of the nature of the organization or its activities; (2) restrictions on volunteer assignments and activity. The organizational restrictions are based on the premise that the assignment of volunteers or the receipt of ACTION funds by certain organizations (regardless of the proposed assignment or activity of the volunteer) is precluded because of the organization's stated purpose or the nature of its activities.

In reference to the restrictions on volunteer assignments and activities, there are four basic areas of prohibited activities: (1) Electoral; (2) voters registration; (3) voter transportation to the polls; and (4) efforts to influence legislation. The prohibitions are directed to the use of ACTION funds. Accordingly, this regulation is applicable to volunteer and other activities supported by such funds.

The Domestic Volunteer Service Act provides two exceptions to the prohibition on efforts to influence legislation: (1) At the request of a legislative body, committee or member thereof, and (2) regarding an authorization or appropriation measure directly affecting the operation of the project or program. The regulation prescribes the conditions under which activities pursuant to these exceptions may be undertaken. The regulation also prescribes the applicability of the restrictions to sponsor organization employees and the obligations of sponsors to ensure observance of the regulation.

II. Discussion of Modifications

A. Nature of Comments Received

The Agency received numerous comments by volunteers, sponsors, and other members of the public on the proposed regulations, particularly from volunteers and program sponsors in the Older American Volunteer Programs. The vast majority of the comments pertained to the prohibitions on efforts to influence the passage or defeat of legislation, and the exceptions thereto. The following is the Agency response to the substantive comments, and the resulting modifications.

Section 1226.9, Exceptions. Several suggested changes have been adopted regarding the two exceptions to the prohibitions on efforts to influence legislation. Subparagraph (a)(2) is revised to delete the phrase "with specificity" in regard to the written request from a legislature, or a committee or member thereof, for a volunteer's assistance. The phrase "with specificity," which created some confusion, is redundant since provision of the subparagraph otherwise requires that the request state "the type of representation or assistance required and the issue to be addressed."

In subparagraph (b)(1) of § 1226.9, the requirement that the sponsor organization receive "approval from the State Director prior to the volunteer engaging in such activity" has been deleted. This provision generated the most comment of any provision in the proposed regulation. Such comments uniformly stated that the requirement of prior approval was cumbersome and would place an unnecessary burden on volunteers and sponsors. After review and consideration, the Agency has decided that a notification provision would suffice. Accordingly, § 1226.9(b)(1) has been revised to read: "The sponsor organization provides notification to the State Director on a quarterly basis of all activity occurring pursuant to this exception." This exception allows volunteers to testify or make representations to a legislative body regarding an authorization or appropriation directly affecting the operation of the program. The legislative intent behind this exception, in part, was to allow volunteers, and program sponsors, to be able to approach and maintain contact with local legislative bodies concerning appropriations required for their programs. It was determined that while it is necessary for ACTION personnel to be aware of and monitor activities undertaken pursuant to this exception, it was not necessary to impose a requirement of prior approval of the ACTION State Director as a condition to such activities.

Several persons expressed concern about the relationship between the exceptions in § 1226.9 and the last sentence in § 1226.9(c). Since activity permitted under § 1226.9(b) may legitimately require ongoing contact with a legislative body, as for example in seeking a local appropriation for a program, the last sentence of § 1226.9(c), which states:

> [n]othing herein shall authorize any ongoing or continuing contact with a legislature or its members, regarding proposed or pending legislation, has been deleted. However, it is stressed that the requirement in § 1226.9(c) that any activity by volunteers under either exception (a) or (b) must be incidental to their regular work assignment.

A relatively large number of comments revealed substantial confusion concerning the application of the Hatch Act to part time volunteers. Section 1226.11(a)(1) is revised to substitute the phrase "Title II, Part C of the Act" for "Section 122(c) of the Act." This revision will clarify that the Hatch Act does not apply to volunteers enrolled in the Older American Volunteer Programs, regardless of the number of hours of weekly service. Also, the new language is added to subparagraph (c) of § 1226.11 to provide further clarification on this point.

Several comments suggested the deletion of § 1226.8(d), concerning restrictions on efforts to influence legislation. The prohibition on lobbying arises from the Domestic Volunteer Service Act of 1973, as amended, with which the Agency must comply in the operation and administration of its volunteer programs. The provisions set forth in § 1226.8(d) describe activities and conduct considered to be within the scope of the statutory prohibition. After review and reconsideration, the Agency has concluded that such provisions must be retained pursuant to the statute.

Other comments pertained to the scope of coverage of the regulation

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under circumstances where volunteers are "reasonably perceived by others" to be performing as volunteers, as provided in § 1226.7(b) and § 1226.11 (b)(2) and (c). Because the applicability of these provisions is often determined by the facts of a particular situation, the Agency determined it would be more appropriate to address these concerns through interpretative guidance than through revision to the regulations.

Accordingly, Part 1226 is added to 45 CFR and is published in final form to read as follows.

PART 1226—PROHIBITIONS ON ELECTORAL AND LOBBYING ACTIVITIES

Subpart A—General Provisions

Sec
1226.1 Purpose.
1226.2 Scope
1226.3 Definitions.

Subpart B—Sponsoring Organization

1226.4 General.
1226.5 Electoral, voter registration, and other activities.

Subpart C—Volunteer Activities

1226.6 General
1226.7 Scope
1226.8 Prohibited activities
1226.9 Exceptions.
1226.10 Hatch Act restrictions.
1226.11 Part time volunteers.

Subpart D—Sponsor Employee Activities

1226.12 Sponsor employees.
1226.13 Obligation of sponsors.

Authority: Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412.

Subpart A—General Provisions

§ 1226.1 Purpose.

This part implements provisions of the Domestic Volunteer Service Act, 1973, 87 Stat. 394, Pub. L. 93–113, as amended, hereinafter referred to as the Act, pertaining to the prohibited use of Federal funds or the involvement of agency programs and volunteers in electoral and lobbying activities. These regulations are designed to define and clarify the nature and scope of prohibited activities to ensure that programs under the Act and volunteer activities are conducted within the statutory bounds established by the Act. The penalties for violation of the regulations are also prescribed. The statutory source of the prohibitions upon electoral and lobbying activities is section 403 (a) and (b) of the Act. Rules applying to the Hatch Act (Title III of Chapter 73, Title 5, United States Code) to full time and certain part time volunteers, as required by Section 415(b) of the Act, are also set forth herein.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.2 Scope.

This part applies, except where otherwise noted, to all full time and part time volunteers serving in a program authorized by the Act, including VISTA, Service Learning and the Older American Volunteer Programs. It also applies to employees of sponsoring organizations, whose salaries, or other compensation, are paid, in whole or in part, with agency funds.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.3 Definitions.

(a) The "Act" means the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113 (42 U.S.C. 4951 *et seq.*).

(b) "Assistance" means funds, volunteers or volunteer training, which is paid for from funds appropriated for the purpose of supporting activities under the Act, and includes locally provided funds required by law, regulation or policy as a local contribution to activities authorized by the Act.

(c) "Full time" when used in the context of volunteer service, means service of not less than 35 hours per week.

(d) "Part time" when used in the context of volunteer service, means service that is less than full time.

(e) "Recipient" or "sponsor organization" means any organization that receives assistance under the Act.

(f) "Volunteer" means an individual enrolled for service in a program or project that is authorized by or which receives assistance under the Act.

(g) "Legislative body" includes the United States Congress, State and Territorial Legislatures and locally elected or appointed bodies with the authority to enact laws.

(h) "Public office" includes any Federal, State, local elective, or party office.

(i) "Party office" means an elective position in a national, state or local organization or committees or convention of such organization, which has, as a principal purpose, support or opposition to candidates for public office.

(j) "Legislation" means bills, resolutions, amendments, nominations and other matters pending or proposed in a legislative body and includes any other matter which may be the subject of action by the legislative body.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Subpart B—Sponsoring Organization

§ 1226.4 General.

Under section 403 of the Act volunteer programs may not be conducted in a manner which supports or results in the identification of such programs with prohibited activities. This section prescribes the nature and extent of involvement in such activity by an organization which would preclude the assignment of volunteers to the organization.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

§ 1226.5 Electoral, voter registration, and other activities.

Volunteers or other assistance in any program under the Act shall not be assigned or provided to an organization if a principal purpose or activity of the organization includes any of the following activities.

(a) *Electoral Activities*—Any activity designed to influence the outcome of elections to any public office, such as

(1) Actively campaigning for or against or supporting candidates for public office;

(2) Raising, soliciting or collecting funds for candidates for public office;

(3) Preparing, distributing or providing funds for campaign literature for candidates, including leaflets pamphlets, and material designed for the print or electronic media;

(b) *Voter Registration Activities*—Any voter registration activity, such as

(1) Providing transportation of individuals to voter registration sites;

(2) Providing assistance to individuals in the process of registering to vote, including determinations of eligibility;

(3) Disseminating official voter registration material.

(c) *Transportation to the Polls*—Providing voters or prospective voters with transportation to the polls or raising, soliciting or collecting funds for such activity.

(d) Any program sponsor which, subsequent to the receipt of any federal assistance under the Act, makes as one of its principal purposes or activities any of the activities described in § 1226.5 hereof shall be subject to the suspension or termination of such assistance, as provided in 45 CFR Part 1206.

(Secs. 403, 415(b), Pub. L. 93–113, 87 Stat. 408, 411–412)

Subpart C—Volunteer Activities

§ 1226.6 General.

(a) All volunteers, full and part time, are subject to the prohibitions on expenditure of federal funds for partisan

and nonpartisan electoral activities, voter registration activities and transportation of voters to the polls, and efforts to influence the passage or defeat of legislation, as contained in Section 403 of the Act.

(b) Full time volunteers, and certain part-time volunteers as specified herein, are also subject to the restrictions in Subchapter III, Chapter 73 of Title 5, United States Code, commonly referred to as the Hatch Act, as provided in Section 415(b) of the Act.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.7 Scope.

The provisions in this subpart are applicable to full time volunteers as defined in § 1226.3(c), and to such part time volunteers as may be otherwise specified herein. Full time volunteers are deemed to be acting in their capacity as volunteers

(a) When they are actually engaged in their volunteer assignments. VISTA volunteers and other full time volunteers who are required to serve without regard to regular working hours are presumed to be actually engaged in their volunteer assignments at all times, except during periods of authorized leave; or

(b) Whenever they represent themselves, or may reasonably be perceived by others, to be performing as a volunteer.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.8 Prohibited activities.

(a) Electoral Activity—Volunteers shall not engage in any activity which may, directly or indirectly, affect or influence the outcome of any election to public office. Volunteers are prohibited from engaging in activities such as:

(1) Any activity in support of, or in opposition to a candidate for election to public office in a partisan or nonpartisan election.

(2) Participating in the circulation of petitions, or the gathering of signatures on nominating petitions or similar documents for candidates for public office.

(3) Raising, soliciting, or collecting funds for a candidate for public office;

(4) Preparing, distributing or providing funds for campaign material for candidates, including leaflets, pamphlets, brochures and material designed for the print or electronic media.

(5) Organizing political meetings or forums.

(6) Canvassing voters on behalf of a candidate for public office;

(7) Raising, soliciting or collecting funds for groups that engage in any of the activities described in paragraph (a) (1) through (6) of this section.

(b) Voter Registration—Volunteers shall not engage in any voter registration activity, including:

(1) Providing transportation of individuals to voter registration sites;

(2) Providing assistance to individuals in the process of registering to vote, including determinations of eligibility;

(3) The dissemination of official voter registration materials; or

(4) Raising, soliciting or collecting funds to support activities described in paragraph (b) (1) through (3) of this section.

(c) Transportation to the Polls—Volunteers shall not engage in any activity to provide voters or prospective voters with transportation to the polls, nor shall they collect, raise, or solicit funds to support such activity, including securing vehicles for such activity.

(d) Efforts to Influence Legislation—Except as provided in § 1276.9, volunteers shall not engage in any activity for the purpose of influencing the passage or defeat of legislation or any measures on the ballot at a general or special election. For example, volunteers shall not:

(1) Testify or appear before legislative bodies in regard to proposed or pending legislation;

(2) Make telephone calls, write letters, or otherwise contact legislators or legislative staff, concerning proposed or pending legislation for the purpose of influencing the passage or defeat of such legislation;

(3) Draft legislation;

(4) Prepare legislative testimony;

(5) Prepare letters to be mailed by third parties to members of legislative bodies concerning proposed or pending legislation;

(6) Prepare or distribute any form of material, including pamphlets, newspaper columns, and material designed for either the print or electronic media, which urges recipients to contact their legislator or otherwise seek passage or defeat of legislation;

(7) Raise, collect or solicit funds to support efforts to affect the passage or defeat of legislation;

(8) Engage in any of the activities set forth in paragraph (d) (1) through (7) of this section for the purpose of influencing executive action in approving or vetoing legislation.

(9) Circulate petitions, gather signatures on petitions, or urge or organize others to do so, which seek to have measures placed on the ballot at a general or special election.

(10) Engage in any of the activities enumerated in paragraph (d) (1) through (9) of this section in regard to the passage or defeat of any measure on the ballot in a general or special election.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.9 Exceptions.

(a) A volunteer may draft, review, testify or make representations to a legislative body regarding a legislative measure upon request of the legislative body, a committee, or a member thereof, provided that:

(1) The request to draft, review, testify or make representations is in writing, addressed to the volunteer or the organization to which the volunteer is assigned or placed, and signed by a member or members of the legislative body;

(2) The request states the type of representation or assistance requested and the issue to be addressed.

(3) The volunteer or the program sponsor provides a copy of such request to the State Director.

(b) The volunteer may draft, review testify, or make a written representation to a legislative body regarding an authorization or appropriation measure directly affecting the operation of the project or program to which he or she is assigned: *Provided:*

(1) The sponsor organization provides notification to the State Director on a quarterly basis of all activity occurring pursuant to this exception.

(2) The legislative measure relates to the funding of the project or program or affects the existence or basic structure of the project or program.

(c) Notwithstanding the foregoing exceptions, any activity by a volunteer pursuant to paragraph (b) (1) or (2) of this section shall be incidental to his or her regular work assignment.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.10 Hatch Act restrictions.

(a) In addition to the prohibitions described above, full time volunteers are subject to the Hatch Act, Subchapter III, of Chapter 73, Title 5, United States Code. Full time volunteers shall not, directly or indirectly, actively participate in political management or in political campaigns. All volunteers retain the right to vote as they choose and to express their personal opinions on political issues or candidates. Examples of prohibited activities, include, but are not limited to,

(1) Candidacy for or service as a delegate or alternate to any political convention or service as an officer or employee thereof.

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(2) Acting as an officer of a primary meeting or caucus, addressing, making motions, preparing or presenting resolutions, representing others, or otherwise taking part in such meetings or caucuses.

(3) Organizing or conducting a political meeting or rally on any political matter.

(4) Holding office as a precinct or ward leader or representative, or service on any committee of a political party. It is not necessary that the service of the volunteer itself be political in nature to fall within the prohibition.

(5) Organizing a political club, being an officer of such a club, being a member of any of its committees, or representing the members of a political club in meetings or conventions.

(6) Soliciting, collecting, receiving, disbursing or otherwise handling contributions made for political purposes.

(7) Selling or soliciting pledges for dinner tickets or other activities of political organizations or candidates, or for their benefit.

(8) Distributing campaign literature, badges, buttons, bumperstickers or posters.

(9) Publishing or being editorially connected with a newspaper or other publication generally known as partisan from a political standpoint.

(10) Writing for publication or publishing any letter or article, signed or unsigned, soliciting votes in favor of or in opposition to any political party, candidate or faction.

(11) Soliciting votes, helping get out the vote, acting as a checker, watcher or challenger for any party or faction, transporting voters to or from the polls, or transporting candidates on canvassing or speaking tours.

(12) Participation in or organizing a political parade.

(13) Initiating nominating petitions or acting as a canvasser or witness on such petitions.

(14) Being a candidate for nomination or election to a National, State, or local office.

(b) Hatch Act restrictions apply to full time volunteers at all times during their service, including off-duty hours, leave, holidays and vacations.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.11 Part time volunteers.

(a) The provisions in this section are applicable to part time volunteers, as defined in § 1226.3(d). There are two categories of part time volunteers:

(1) Those enrolled for periods of service of at least twenty (20) hours per week for not less than twenty-six (26) consecutive weeks, as authorized under Title I, Part C of the Act, and

(2) All other part time volunteers, including Senior Companions, Foster Grandparents and Retired Senior Volunteers.

(b) All part time volunteers are subject to the restrictions described in § 1226.8 (a), (b), (c) and (d) and the exceptions in § 1226.9:

(1) When they are engaged in their volunteer assignments, in training activities, or other related activities supported by ACTION funds, or

(2) Whenever they represent themselves as ACTION volunteers, or may reasonably be perceived by others to be performing as volunteers.

(c) The restrictions described in § 1226.10, pertaining to the Hatch Act, are applicable to volunteers enrolled for periods of service of at least 20 hours per week for not less than 26 consecutive weeks, as authorized under Title I, Part C of the Act;

(1) at all times in any day on which they serve as volunteers, or when engaged in activities related to their volunteer assignments, such as training; or

(2) whenever they represent themselves as volunteers or may reasonably be perceived by others to be performing as volunteers.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

Subpart D—Sponsor Employee Activities

§ 1226.12 Sponsor employees.

Sponsor employees whose salaries or other compensation are paid, in whole or in part, with agency funds are subject to the restrictions described in § 1226.8 (a), (b), (c) and (d) and the exceptions in § 1226.9:

(a) Whenever they are engaged in an activity which is supported by ACTION funds; or

(b) Whenever they identify themselves as acting in their capacity as an official of a project which receives ACTION funds, or could reasonably be perceived by others as acting in such capacity.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.13 Obligations of sponsors.

(a) It shall be the obligation of program sponsors to ensure that they:

(1) Fully understand the restrictions on volunteer activity set forth herein;

(2) Provide training to volunteers on the restrictions and ensure that all other training materials used in training volunteers are fully consistent with these restrictions;

(3) Monitor on a continuing basis the activity of volunteers for compliance with this provision;

(4) Report all violations, or questionable situations, immediately to the State Director.

(b) Failure of a sponsor to meet the requirements set forth in paragraph (a) of this section, or a violation of the rules contained herein by either the sponsor, the sponsor's employees subject to § 1226.12 or the volunteers assigned to the sponsor, at any time during the course of the grant may be deemed to be a material failure to comply with the terms and conditions of the grant as that term is used in 45 CFR 1206.1 regarding suspension and termination of assistance or a violation of the Project Memorandum of Agreement, as applicable. The sponsor shall be subject to the procedures and penalties contained in 45 CFR 1206.1.

(c) Violation by a volunteer of any of the rules and regulations set forth herein may be cause for suspension or termination as set forth in 45 CFR 1213.5-5(2) or other disciplinary action.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

Signed at Washington, D.C., this 19th day of 1981.

Sam Brown,

Director of ACTION.

[FR Doc. 81-2708 Filed 1-26-81; 8:45 am]

BILLING CODE 6050-01-M

BEST COPY AVAILABLE

APPENDIX XV

Health Insurance Conversion Form

BEST COPY AVAILABLE

Blue Cross Blue Shield
Group Hospitalization, Inc.
Medical Service of D.C.
550 12th Street, S.W.
Washington, D.C. 20024
202/479-8000

CONVERSION APPLICATION

Date_____

PLEASE PRINT ALL INFORMATION

Applicant's Last Name	First Name	Initial	Occupation

Home Mailing Address

SEX	MARITAL STATUS		DATE OF BIRTH		
			Month	Day	Year
Male	Single	Divorced			
Female	Married Widow(er)	Separated			

I hereby apply for: **(please check one)**

Preferred Hospital Service Contract and Extended Surgical-Medical Contract
Standard Hospital Service Contract and Surgical-Medical Contract
Blue Cross 65 and Blue Shield 65

I agree that the benefits defined in the Contracts will accrue to me only after the Effective Date appearing on the Identification Card to be issued in my name and evidencing approval of this application. I understand that credit for the time my ACTION coverage has been in effect will be given toward the waiting period of the Contracts applied for hereon.

I agree to pay in advance the subscription charges directly to Group Hospitalization, Inc. on a monthly or quarterly basis.
I have read this application and certify that the information given above is correct and is given as an inducement for the issuance of the Contracts hereby applied for.

My ACTION Identification Number is _____.

_____ (Date of Termination as a Volunteer or Trainee)

_____ (Applicant's Signature)

Insofar as Medical Service of the District of Columbia is concerned, Group Hospitalization, Inc. acts only as its agent.

1F4-66945 5/81

GPO 908-969